

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY  
STATE OF MISSOURI

VANCE CLARK,

Plaintiff,

-v.-

UNITED STATES OF AMERICA  
RURAL HOUSING SERVICE  
a/k/a USDA,

Defendant.

Cause No. 18 SF-CC00042

PETITION FOR DECLARATORY JUDGMENT

Plaintiff, Vance Clark, pro se, for cause of action states as follows:

**Parties**

1. Plaintiff, Vance Clark, is an individual residing in Cole County, Missouri, at the Jefferson City Correctional Center, 8200 No More Victims, Jefferson City, Missouri 65101.
2. Defendant, USDA, is an entity of the United States of America and has an office in St. Francois County, Missouri, at Industrial Park Drive in Farmington, Missouri 63640.

**Jurisdiction and Venue**

3. This Court has jurisdiction to hear this action under Mo. Rev. Stat. Section 527.010 et seq. and Art. V Section 14 of the Missouri Constitution.
4. Venue is proper before this Court pursuant to Section 508.010 of the Revised Statutes of Missouri as the injury involved in this action occurred in St. Francois County, Missouri.

**Statement of Facts**

6. Vance Clark purchased a 3 acre parcel of real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637 on November 2, 2009. Mr. Clark financed the purchase with a \$122,000.00 loan from USDA. Mr. Clark exe-

cuted title and interest in the property as "owner".

7. The aforementioned real property was insured by Vance Clark prior to purchase, on October 28, 2009, through Farm Bureau Town & Country Company of Missouri, policy number PRO 0319954 00, insuring real and personal property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637. Said policy was issued and made out to Vance Clark, with coverage limit on the dwelling alone set at \$136,464.00 in order to replace the home, if needed.

8. On September 16, 2010, Vance Clark suffered casualty without fault in that a fire consumed the dwelling entirely, and all of his personal property therein, at 3416 Hildebrecht Road, Doe Run, Missouri 63637. Mr. Clark notified both USDA and Farm Bureau of the fire and intent to rebuild.

9. On December 13, 2010, Vance Clark submitted claim number 297547 and a sworn statement in proof of loss (see attached statement - pages 1-4). Since the policy issued, on October 28, 2009, there has been no assignment thereof, or change of interest of policy PRO 0319954 00 - Vance Clark retains sole interest and ownership of both the real and personal property and the only executor of his insurance policy covering said properties.

10. On December 28, 2010, Farm Bureau filed a Petition For Declaratory Judgment in the Circuit Court of St. Francois County, State of Missouri, in Cause Number 10SF-CC00289, seeking a determination on the validity/enforceability of insurance policy PRO 0319954 00. Although litigation continues on this issue, Farm Bureau paid settlement monies to USDA from Vance Clark's insurance policy without Mr. Clark's knowledge or consent. Vance Clark has not received any settlement monies or other thing of value from any person, company, firm, association or USDA, involved in this occurrence as a settlement, in whole or in part, of his claim submitted under his insurance policy PRO 0319954 00 on December 13, 2010.

11. On October 30, 2014, Vance Clark spoke with attorney Benjamin Todd Aranda whom represents him as Defendant/Counterclaim Plaintiff in Cause Number 10SF-CC00289 concerning a letter from Emily Short, in regard to the USDA. The letter, sent directly to Vance Clark, was drafted by Ms. Short's attorney Robert L. Brady - who represents Farm Bureau. It was later confirmed comparative fault had occurred through an act of bad faith in USDA secretly accepting settlement monies from Vance Clark's insurance claim in accord and satisfaction of the loan it issued to Mr. Clark on November 2, 2009. For USDA did not accord Vance Clark an opportunity to obtain any of those funds to rebuild his home, as previously agreed between both of the parties, nor to replace any of his personal property lost in the fire.

12. Thereafter, Vance Clark was repeatedly assured that USDA had foregone any interest in the property as mortgagee, lienholder, loss payee, or as an individual person due to the acceptance of settlement monies and prior good faith agreement entered into between both parties attorneys due to USDA finding accord and satisfaction of its loan upon accepting monies. Vance Clark proceeded to invest approximately \$15,000.00 in converting the garage into a one-bedroom home, also expending more funds to clean up and landscape the fire damaged remains.

13. In early January of 2018, caretaker for the property Mark Hedrick arrived to find USDA representative Pam Scott and another individual taking pictures at 3416 Hildebrecht Road, Doe Run, Missouri 63637. Mr. Hedrick questioned Ms. Scott, whom informed him she was preparing to initiate a foreclosure on the property. Mr. Hedrick thereafter informed Mr. Clark.

14. On January 17, 2018, Vance Clark sent a two-page correspondence to USDA addressing the issues previously set out in paragraphs 6-13 above. A response was requested - none has been received by Vance Clark.

15. On February 15, USDA representative Pam Scott phoned Mark Hedrick in order to advise him she had received the January 17, 2018, correspondence from Vance Clark; that she had forwarded the correspondence to USDA's attorneys; that USDA did receive and accept monies from Vance Clark's insurance policy for the fire that completely destroyed the home; that USDA is proceeding with foreclosure on the property; and if he (Mark Hedrick) is interested in purchasing the property at 3416 Hildebrecht Road, Doe Run, Missouri 63637, it will probably be sold at auction for approximately \$5,000.00 - he should check with the county Assessor's Office, as she also intends on doing herself.

**Request and Basis for Declaratory Relief - COUNT I**

16. Plaintiff seeks a declaration of his rights under the deed purporting to establish the interests of Plaintiff and Defendant in real property in St. Francois County, Missouri, 3416 Hildebrecht Road, Doe Run, to ascertain whether USDA remains a legitimate creditor of Vance Clark under the contract for the aforementioned real property after receiving and accepting procurement of payment from Vance Clark's insurance policy PRO 0319954 00, which was obtained without his knowledge or consent, or to whether USDA is entitled to foreclose and sell certain property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637.

17. Plaintiff is entitled to request such a declaration under Section 527.020 of the Revised Statutes of Missouri, authorizing actions requesting construction of contracts.

18. The threat to Plaintiff's interest is not contingent but is impending and real, and is ripe for decision in that USDA has not responded directly to Plaintiff's January 17, 2018 correspondence regarding these issues; a USDA representative, Pam Scott, has initiated foreclosure and already made

and attempt to find a buyer for Plaintiff's property by instructing Mark Hedrick to contact the county Assessor's Office; by Pam Scott's placing an approximate price of \$5,000.00 on Plaintiff's real property; and by her being a representative of USDA and acknowledging an interest in purchasing Plaintiff's real property herself, after foreclosure and being fully aware USDA has already accepted settlement monies from policy PRO 0319954 00 by fraudulent means in order to achieve accord and satisfaction of the loan issued to Plaintiff for said real property - knowing Plaintiff intended to use those funds to rebuild the dwelling insured in his insurance policy; USDA foregoing its good faith agreement after Plaintiff has relied on said agreement to continue to invest, maintain and improve the real property; all of which has caused Plaintiff to incur significant financial losses in the amount of \$25,000.00 upon foreclosure, and threatens Plaintiff with irreparable harm that cannot be compensated by monetary damages.

19. More specifically, Plaintiff's Sworn Statement in Proof of Loss shows him to claim, and hold, sole title and interest in the real property; that there has been no assignment thereof, or change in interest or use of the property; that the dwelling alone has \$136,464.00 coverage that USDA has fraudulently claimed from Plaintiff's insurance policy; and that all persons named as an insured (Vance Clark alone) were required to sign this document in front of a notary public and have their seal adhered to this document. Notary Pamela S. Wilkinson adhered her seal to this document on the 13th day of December, 2010. Said document was faxed and accepted by Farm Bureau Town & Country Insurance Company of Missouri at 12:40 PM on December 13, 2010, showing Plaintiff to hold exclusive rights to all claims submitted under claim 297547 and policy PRO 0319954 00. Defendant USDA continues to act in bad faith by now moving to foreclose and sell Plaintiff's real property by ignoring his rights.

**Wherefore, Plaintiff prays:**

- a. That the Court issue a declaratory judgment setting forth the parties' rights and obligations entered into under the deed purporting to establish the interest of Plaintiff and Defendant in the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, and declaring Vance Clark is the rightful owner and holds both title and interest of the property described in the Deed.
- b. That the Court issue a declaratory judgment setting forth the parties' rights and obligations under the contract to ascertain whether USDA remains a legitimate creditor of Vance Clark after receiving procurement of payment of \$70,000.00 from his insurance policy PRO 0319954 00, without his knowledge or consent, in accord and satisfaction of USDA's interest of Cause Number 10SF-CC00289, declaring USDA waived its rights as a legitimate creditor upon accepting the aforementioned procurement of payment as to the interest held by both parties in Cause Number 10SF-CC00289, being USDA no longer holds any interest in the dispute directly related to the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637 and while Vance Clark is still actively involved in that litigation stemming from the destruction and loss he has, and continues to, suffer by the injury incurred by the event insured against - total loss of his Home and all of the personal property therein.
- c. That the Court issue a declaratory judgment setting forth the parties' rights and obligations under the deed and contract regarding the foreclosure initiated by USDA on the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637 and declare that USDA is estopped from foreclosing due its waiving any right by its own actions of previous interest being satisfied by procurement of payment of \$70,000.00 in Cause Number 10SF-CC00289 and violation of its good faith agreement with Plaintiff.
- d. For such other and further relief as the Court may deem just and proper.

Request and Basis for Declaratory Relief - COUNT II

20. Plaintiff, Vance Clark, incorporates by reference the Parties, Jurisdiction and Venue, and Statement of Facts of Paragraphs number 1 through 15 of his Petition.

21. Plaintiff seeks a declaration of his rights under the insurance contract of policy PRO 0319954 00 purporting to establish the rights and interest of Plaintiff as to the allotment allowance in said policy set forth to replace the dwelling that was totally destroyed by fire on September 10, 2010, located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, where he has such a relation or concern in such subject matter that he will derive pecuniary benefit or advantage from its preservation, or will suffer pecuniary loss or damage from its destruction, termination, or injury by happening of the event insured against if denied his right to rebuild his Home.

22. Plaintiff is entitled to request such a declaration under Missouri Revised Statutes, Section 527.020, authorizing actions requesting construction of contracts.

23. The threat to Plaintiff's interest is not contingent but is pending and real, and is ripe for decision in that he is being denied an insurable interest by Defendant in the subject matter insured under policy PRO 0319954 00, the right to rebuild his Home which is covered in the policy, being the sole reason he obtained insurance on the property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, prior to purchase of the real property, was in the event he may suffer loss or damage to the insured property he could utilized those proceeds to preserve and protect the integrity of pecuniary benefit of being a Home-owner. Defendant, USDA, continues to circumvent preservation of Vance Clark's reliance on using the \$70,000.00 it obtained from his policy needed for reconstruction of the dwelling upon he himself obtaining satisfaction of interest in Cause Number 10SF-CC00289 under policy PRO 0319954 00. Plaintiff cannot replace the dwelling without the total allotment in the policy - Dwelling (Coverage A) \$136,464.00.

24. Plaintiff, Vance Clark, incorporates by reference the allegations of Paragraphs number 18 through number 19 of this Petition.



25. Attorney Benjamin Todd Aranda, whom represents me under Cause Number 10SF-CC00289, contacted me today, February 23, 2018, by phone through the Caseworker's Office here at Jefferson City Correctional Center, with information relevant to the facts set out in this Petition, as follows:

a. After reviewing the two-page correspondence that I sent to USDA on January 17, 2018, and talking with Mark Hedrick concerning the phone Mr. Hedrick received from USDA representative Pam Scott (see Paragraph 15 of this petition), Mr. Aranda e-mailed USDA requesting verification of USDA receiving Plaintiff's correspondence and the phone call placed to Mr. Hedrick by Ms. Scott.

b. USDA Representative Pam Scott e-mailed Mr. Aranda her response to his inquiry, to which Mr. Aranda stated confirmed all of Plaintiff's allegations stated in Paragraphs number 13 through number 15 of this Petition.

c. Mr. Aranda also clarified his legal position of currently representing Plaintiff in the ongoing litigation of Cause Number 10SF-CC00289, while stating he is not required to represent him in the filing of this Petition due to it being a totally separate action naming USDA as Defendant. He further clarified that being USDA is no longer part of the dispute being litigated in Cause Number 10SF-CC00289, that dealing with interest of Vance Clark's insurance policy PRO 0319954 00 regarding the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, he is not required by law to enter into any issue concerning USDA's initiating foreclosure of the same real property, even though both disputes involve the same real property USDA accepted \$70,000.00 in accord and satisfaction before becoming no longer a party in the said contract dispute.

Wherefore, Plaintiff prays;

a. That the Court issue a declaratory judgment setting forth the parties' rights and obligations under the contract of insurance of the insurance funds allotted for the rebuilding of the dwelling, which includes the \$70,000.00 dollars retained by USDA, necessary to establishing Plaintiff's right to rebuild his Home with those funds.

b. For such other and further relief as the Court may deem just and proper.



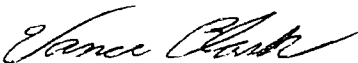
Request for Injunctive Relief included

WHEREFORE, Plaintiff Vance Clark respectfully requests a permanent mandatory injunction against Defendant USDA, directing Defendant USDA to cease and desist foreclosure of the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637. Plaintiff further requests any additional relief that the Court deems just and proper under the circumstances.

WHEREFORE, Plaintiff Vance Clark respectfully requests a permanent mandatory injunction against Defendant USDA, directing Defendant USDA to refrain from using the \$70,000.00 for any other purpose than the rebuilding of the dwelling that was destroyed by fire on the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637. Plaintiff further requests any additional relief that the Court deems just and proper under the circumstances.

DATED: February 23, 2018

Respectfully submitted,



Vance Clark, pro se Plaintiff

Vance Clark 167236  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Mo. 65101

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was mailed, postage prepaid, by US Mail on this 26th day of February, 2018, to Circuit Clerk Viki Weible for service, with summons, by the St. Francois County Sheriff's Department.



Vance Clark

**FARM BUREAU TOWN & COUNTRY  
INSURANCE COMPANY OF MISSOURI**

**SWORN STATEMENT IN PROOF OF LOSS**

Submission of the Sworn Statement in Proof of Loss and Personal Property Inventory Forms is the first formal presentation of your claim.

Accuracy and timely submission of these forms will greatly assist us in the processing of your claim.

Please understand we will rely on all information, which you supply relating to your claim. As such, it is very important to provide us with as much detailed information as possible.

Write in the name of all persons listed on the policy of insurance.

NAME(S)

VANCE CLARK

Write in the complete policy number as shown on the accompanying letter.

POLICY NUMBER

PRO 0319954 00

Write in the complete claim number as shown on the accompanying letter.

CLAIM NUMBER

297547

Provide the physical address of the loss or describe where the loss happened.

LOCATION OF LOSS

3416 Hildebrandt Road

Doe Run, Mo. 63637

Provide the time and date the loss happened.

TIME & DATE OF LOSS

9-16-2010

Explain what caused the loss.

CAUSE OF LOSS

NOT KNOWN



**FARM BUREAU TOWN & COUNTRY  
INSURANCE COMPANY OF MISSOURI**

List your title (ownership) and interest in the property, i.e., owner, tenant, etc.

**TITLE & INTEREST**

VANCE ROY CLARK

OWNER

Provide the name(s), address(es), and phone number(s) of any other person or entities which may have any interest in the property such as a mortgagee, lienholder, loss payee, or individual person. This would include any partnership or company. If none, write in "None".

**OTHERS WITH INTEREST**

USDA Rural Development

PO Box 66889

ST. Louis, Mo. 63166

Explain any changes made since you purchased this policy, which would affect the ownership, use, occupancy, location, or exposure of the described property. If none, state "None".

**CHANGES**

Since the said policy was issued, there has been no assignment thereof, or change of interest, use, occupancy, possession, location, or exposure of the property described except:

None

Provide the name(s), address(es), and policy number(s) of any other insurance company(ies) that insures the property. If none, state "None".

**OTHER INSURANCE**

None

# FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MISSOURI

If the policy information pages state an Actual Cash Value Settlement for the dwelling, other structures, personal property, or farm personal property, provide a dollar amount claimed in the corresponding blank. If a subsection is not applicable, write "N/A".

## ACTUAL CASH VALUE

Dwelling (Coverage A).....	\$ <u>136,464.00</u>
Other Structures (Coverage B).....	\$ <u>N/A</u>
Personal Property (Coverage C).....	\$ <u>102,348.00</u>
Farm Personal Property (Coverage E).....	\$ <u>N/A</u>

If the policy information pages state a Replacement Cost Settlement for the dwelling, other structures, or personal property, provide a dollar amount claimed in the corresponding blank. If a subsection is not applicable, write "N/A".

## REPLACEMENT COST (If any subsection does not apply, indicate "N/A".)

Dwelling (Coverage A).....	\$ <u>136,464.00</u>
Other Structures (Coverage B).....	\$ <u>N/A</u>
Personal Property (Coverage C).....	\$ <u>102,348.00</u>

Provide the amount of necessary and reasonable increase in living expense over and above your normal living expense. If this is a rental property, this amount should include any loss of Fair Rental Value you are claiming. Please complete the 'Statement of Loss for Additional Living Expense' form and attach receipts for the amount claimed.

EXTRA EXPENSE (Coverage D).....	\$ <u>N/A</u>
FARM EXTRA EXPENSE (Supplementary to Coverage E).....	\$ <u>N/A</u>

Unknown  
besides  
bills previously  
submitted

Provide the total amount of your deductibles applicable to this loss.

DEDUCTIBLE (The total of deductibles applicable).....	\$ <u>5000.00</u>
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Provide the total amount you are making a claim for under your policy. Be sure to include the amount claimed for each coverage involved in this loss, i.e. dwelling, personal property, other structures, extra expense. The amount claimed is the amount you are asking Farm Bureau Town & Country Insurance Company of Missouri to pay you after the total all applicable deductibles are applied.

AMOUNT CLAIMED (The amount claimed under the above-numbered Policy) .....	\$ <u>233,812.00</u>
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**FARM BUREAU TOWN & COUNTRY  
INSURANCE COMPANY OF MISSOURI**

READ THE FOLLOWING PARAGRAPH CAREFULLY

All persons named as an insured on the policy must sign this document in front of a notary public and have their seal adhered to this document.

**STATEMENTS**

The said loss did not originate by any act, design, or procurement on the part of any insured or this affiant; nothing has been done by or with the privities of consent of any insured or this affiant to violate the conditions of the policy or render it void. Personal Property Inventory is a list of all items destroyed or damaged. No articles are mentioned herein except such as were destroyed or damaged at the time of said loss; each item mentioned and described in said inventories was the value before the loss and was damaged in the amount shown thereon; the place of purchase, and the age at the time of loss are all shown thereon. No property saved has in any manner been concealed; and no attempt to deceive the said company, as to the extent of said loss, has in any manner been made. Any other information that may be required will be furnished and considered a part of this Proof.

The furnishing of this blank form Sworn Statement in Proof of Loss by a representative of the above insurance company is not a waiver of any of its rights.

[Signature]  
Named Insured

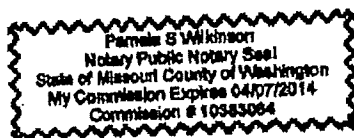
Named Insured

State of Missouri  
County of St. Francois

Subscribed and sworn to before me this 13<sup>th</sup> day of December, 2010.

Pamela S. Wilkinson  
Notary Public

My Commission Expires: 4-7-2014



08-19-07



Page 4 of 4 Sworn Statement in Proof of Loss

February 26, 2018

Vicki Weible  
Clerk of Court of St. Francois County  
1 N. Washington Ste. 102  
Farmington, Missouri 63640


Re: REQUEST FOR SERVICE OF PETITION, AND OTHER PAPERS, BY ST. FRANCOIS COUNTY  
SHERIFF'S DEPARTMENT - UPON RECEIPT OF SEPARATELY MAIL FILING FEE AND FEE  
FOR SERVICE WITH SUMMONS.

Dear Ms. Weible:

Due to using proceeds from my inmate account, it is necessary to mail the petition w/other papers separately from the funds required for filing and service. Both "green checks" have been submitted for processing with the finance office and a stamped pre-addressed envelope for delivery to your office.

Thank you for your corporation in this duel process of filing, service with summons, and payment of required fees.

Sincerely yours,

  
\_\_\_\_\_  
Vance Clark 167236  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Mo. 65101

**FILED**

**MAR 01 2018**

**VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO**

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY  
STATE OF MISSOURI

VANCE CLARK,  
Plaintiff,

-v.-

UNITED STATES OF AMERICA  
RURAL HOUSING SERVICE  
a/k/a USDA,  
Defendant.

Cause No.

18SF-CC00042

**FILED**

MAR 01 2018

VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO

PLAINTIFF VANCE CLARK'S FIRST REQUEST FOR PRODUCTION OF  
DOCUMENTS DIRECTED TO DEFENDANT USDA

COMES NOW Plaintiff, Vance Clark, pro se, and pursuant to Rule 58.01 of the Missouri Rules of Civil Procedure, and requests Defendant, USDA, produce the following documents to his address: Vance Clark 167236, Jefferson City Correctional Center, 8200 No More Victims, H.U. 2-C-101, Jefferson City, Missouri 65101, within the time and manner allowed by law:

1. Any and all documents evidencing any ownership interest that Defendant USDA, or any other individual might have in the real property referenced in Plaintiff's Petition.
2. Any and all policies of insurance that Defendant USDA had on the real property referenced in Plaintiff's Petition at the time of loss.
3. Copies of all correspondence, policies, endorsements, declaration sheets, and notices provided to Defendant USDA with regard to the insurance policy referenced in Plaintiff's Petition.
4. Any and all written material, including but not limited to, correspondence, memoranda and notes, Defendant USDA provided to Farm Bureau Town & Country Insurance Company, or their representatives, both prior to and after reaching settlement in Cause Number 10SF-CC00289, with regard to



the policy of insurance referenced in Plaintiff's Petition.

5. Any and all copies of any drafts, checks, negotiable instruments, or any monetary documents evidencing payment made to Defendant USDA for any alleged damage to the real property referenced in Plaintiff's Petition.

6. Any and all written material, including but not limited to, correspondence, memoranda and notes, Defendant USDA provided to Plaintiff, or his representatives, both prior to and after reaching settlement in Cause Number 10SF-CC00289, with regard to the policy of insurance in Plaintiff's Petition.

7. Copies of all written material, including but not limited to, notices, declaration sheets, legal documents or court filings, correspondence that Defendant USDA directed to, served by summons, mailed or otherwise provided Plaintiff, or his representatives, with regard to foreclosure on the real property referenced in Plaintiff's Petition.

8. Any and all contracts and attachments, written or verbal, between Defendant USDA and Farm Bureau Town & Country Insurance Company, or its representatives, with regard to the initiation of the insurance policy referenced in Plaintiff's Petition.

RESPECTFULLY SUBMITTED BY:



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Vance Clark, pro se Plaintiff  
Registration Number 167236  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Mo. 65101

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was mailed by US Mail, postage prepaid, this 26th day of February, 2018, to the Clerk of the Circuit Court, Viki Weible, for service with Petition by the St. Francois County Sheriff's Department.

  
\_\_\_\_\_  
Vance Clark

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY  
STATE OF MISSOURI

VANCE CLARK,

Plaintiff,

-v.-

UNITED STATES OF AMERICA  
RURAL HOUSING SERVICE  
a/k/a USDA,

Defendant.

Cause No. 18SF-CC00042

PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS  
DIRECTED AT DEFENDANT USDA

COMES NOW, Plaintiff, Vance Clark, pro se, and for its First Request for Admissions Directed at Defendant USDA, states as follows:

A FAILURE TO TIMELY RESPOND TO REQUESTS FOR ADMISSIONS IN COMPLIANCE WITH RULE 59.01 SHALL RESULT IN EACH MATTER BEING ADMITTED BY YOU AND NOT SUBJECT TO FURTHER DISPUTE.

1. Plaintiff purchased the property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637 on November 2, 2009. Admit or deny response requested to this statement.

RESPONSE:

2. Admit Plaintiff executed title and interest as owner of the property referenced in Paragraph 1 - 3416 Hildebrecht Road, Doe Run, Missouri 63637.

RESPONSE:

3. Admit Plaintiff insured the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637 through Farm Bureau Town & Country Company of Missouri on October 28, 2009, under policy number PRO 0319954 00.

RESPONSE:

4. Admit Plaintiff suffered casualty without fault in the fire that consumed his Home located at 3416 Hildebrecht Road, Doe Run, Missouri 63637 on September 16, 2010.

RESPONSE:

**FILED**

MAR 01 2018

VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO

5. Admit Plaintiff's insurance policy PRO 0319954 00 (Coverage A) insures coverage costs allotted for settlement for the dwelling in the amount of \$136,464.00.

RESPONSE:

6. Admit Defendant USDA has accepted at least \$70,000.00 from Plaintiff's insurance policy PRO 0319954 00 as settlement in Cause Number 10SF-CC00289.

RESPONSE:

7. Admit \$66,464.00 is not sufficient proceeds to replace the dwelling lost to fire at 3416 Hildebrecht Road, Doe Run, Missouri 63637 on September 16, 2010.

RESPONSE:

8. Admit Plaintiff is the only notarized Name insured, as an insured on the insurance policy PRO 0319954 00 Claim Number 297547, on December 13, 2010, and submitted under Proof of Loss to Farm Bureau Town & Country Insurance Company of Missouri.

RESPONSE:

9. Admit a representative of Defendant USDA, named Pam Scott, phoned Mark Hedrick on February 15, 2018, informing him USDA is in the process of initiating foreclosure on Plaintiff's real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637.

RESPONSE:

10. Admit that Plaintiff is still actively persuing his rights under Policy PRO 0319954 00 to obtain the allotted coverage (Coverage A) to replace the dwelling lost to fire at 3416 Hildebrecht Road, Doe Run, Missouri 63637 - total amount of \$136,464.00.

RESPONSE:

11. Admit that Defendant USDA has waived any and all rights to foreclose on the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637 due accepting of monies for its interest in said property upon accepting settlement in Cause Number 10SF-CC00289.

RESPONSE:

12. Admit Plaintiff has such a relation or concern in the rebuilding of His Home, on the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637 that he will derive pecuniary benefit or advantage from its preservation, or will suffer pecuniary loss or damage from its destruction, termination, or injury by the happening of the event insured against if denied the right to use the policy proceeds of insurance policy PRO 0319954 00 (Coverage A) to rebuild the dwelling destroyed by the fire.

RESPONSE:

13. Admit that Plaintiff is being denied an insurable interest by Defendant USDA in the subject matter insured under policy PRO 0319954 00 by USDA being aware it was previously a co-defendant of Vance Clark in a Petition for Declaratory Judgment filed by Farm Bureau Town & Country Insurance Company of Missouri, on December 28, 2010, in that USDA received accord and satisfaction of its interest under said policy which allowed them to procure \$70,000.00 from the coverage provided (Coverage A) and has refused to take any measures, steps, ect. to assist Plaintiff in rebuilding his Home, clean up the fire's damage, or replace any of his loss of personal property, pursuant to the policies design and purpose when obtained by Plaintiff on October 28, 2009.

RESPONSE:


14. Admit Defendant USDA is no longer a party to the litigation in Cause Number 10SF-CC00289.

RESPONSE:

15. Admit Defendant USDA has waived all rights to any monies being withheld from the Plaintiff by Farm Bureau Town & Country Insurance Company of Missouri, under ongoing litigation of Vance Clark's insurance policy PRO 0319954 00, Cause Number 10SF-CC00289.

RESPONSE:

RESPECTFULLY SUBMITTED BY:

  
\_\_\_\_\_  
Vance Clark, pro se Plaintiff

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was mailed by US Mail, postage prepaid this 26th day of February, 2018, to Circuit Clerk Vicki Weible for service with Petition by the St. Francois County Sheriff's Department.



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Vance Clark 167236  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Mo. 65101

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY  
STATE OF MISSOURI

VANCE CLARK,	)	
Plaintiff,	)	Cause No.
	)	
-v.-	)	
	)	
UNITED STATES OF AMERICA	)	
RURAL HOUSING SERVICE	)	
a/k/a USDA,	)	
Respondent.	)	

PLAINTIFF VANCE CLARK'S FIRST SET OF INTERROGATORIES  
DIRECTED AND DELIVERED TO DEFENDANT USDA

1. Has Defendant USDA ever been named as a plaintiff or defendant in any litigation referenced in Plaintiff's Petition, and, if so, state:

- a. The name and address of the court;
- b. The title or caption of the case, and the docket and page(s);
- c. The nature of the case, and USDA's interest therein;
- d. The approximate date the case was filed.

2. Has Defendant USDA received any settlement monies or other thing of value from any person, company, firm, corporation, or association in any occurrence or litigation as a settlement, in whole or in part, referenced in Plaintiff's Petition?

If you answered "yes" to this question, please state the following:

- a. The name and address of the person, firm, association, company, or corporation from whom any such settlement was made;
- b. The name and address of the person, firm, association, company or corporation on whose behalf any such settlement was made;
- c. The amount or value of any such settlement;
- d. Whether any forms or papers (settlement documents), were executed, including statements of the facts, and describe and identify the nature of any such papers or documents;
- e. If you do not possess or have access to their papers or forms (settlement documents) mentioned in part (d) above, then state the name and address of the person, firm, company, association, or corporation that has possession of said papers and forms.



3. State the names and addresses of every person known to Defendant USDA, employees of USDA, or Defendant's attorneys to have witnessed the occurrences referred to in Plaintiff's Petition regarding any and all information contained in Plaintiff's Loan Application, Plaintiff and Defendant's, their representatives and employees, oral and written statements, used to initiate and obtain the insurance policy on the property.

4. State whether or not statements have been obtained from any persons mentioned in the answer to interrogatory number three above with regard to the facts or circumstances surrounding occurrences referred to in Plaintiff's Petition. If so, state the following:

- a. The names, addresses and employers of persons whose statements were obtained;
- b. Name, address, employer, and job title of the person presently having control or custody of each statement.

5. Did Plaintiff own the dwelling referred to in the Petition at the time of the fire?

6. Does Plaintiff still own the dwelling or the land on which it is built referenced in Plaintiff's Petition, and if not, state the date Plaintiff sold said property or freely gave up his interest and rights in said property.


7. Has Defendant USDA initiated foreclosure on the property referenced in Plaintiff's Petition, and if so, please state:

- a. Is Defendant USDA still a party to the litigation in Cause Number 10SF-CC00289?;
- b. Is Plaintiff still a party to the litigation in Cause Number 10SF-CC00289?;
- c. Did Defendant USDA and Plaintiff have the same interest in the litigation of Cause Number 10SF-CC00289?; if so,
- d. Did Plaintiff and Defendant USDA enter into a "good faith" agreement due to sharing the same interest in the litigation of Cause Number 10SF-CC00289?;
- e. Did Defendant USDA accept settlement monies from Plaintiff's insurance policy during its involvement in the litigation of Cause Number 10SF-CC00289?

8. State the fair market value of the dwelling referenced in Plaintiff's Petition on the date of the fire and state how Defendant USDA arrive at that figure.

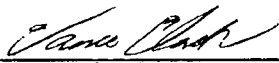
9. State the fair market value of the real property referenced in Plaintiff's Petition immediately after the fire.
10. State the fair market value of the real property referenced in Plaintiff's Petition at this current date regarding improvements detailed regarding said property.
11. State what measures, steps, ect. Defendant USDA took to assist Plaintiff in regard to his seeking to rebuild the dwelling with the insurance proceeds referenced in Plaintiff's Petition both before and after it accepted monies from said policy.
12. If the answer to interrogatory number eleven is "no", for what reason does USDA have for not seeking to see the dwelling rebuilt with the insurance proceeds referenced in Plaintiff's Petition?
13. Besides the cause already listed above, 10SF-CC00289, has Defendant USDA ever been named a plaintiff or defendant in any other litigation regarding real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, and if so, please state:
  - a. The name and address of the court;
  - b. The title or caption of the case, and the docket and page numbers thereof;
  - c. The nature of the case;
  - d. The approximate date the case was filed.

RESPECTFULLY SUBMITTED BY:

  
\_\_\_\_\_  
Vance Clark, pro se Plaintiff  
Registration Number 167236  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Mo. 65101

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was mailed by US Mail, postage prepaid, this 26th day of February, 2018, to Circuit Clerk of Court Viki Weible for service with Petition by St. Francois County Sheriff's Dept.

  
\_\_\_\_\_  
Vance Clark

IN THE TWENTY-FOURTH JUDICIAL CIRCUIT OF MISSOURI

ORDER ASSIGNING JUDGE

IN THE MATTER OF:

VANCE R CLARK

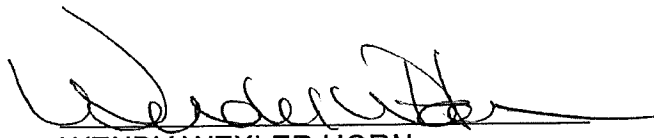
VS

USDA RURAL DEVELOPMENT

CASE NO. 18SF-CC00042

NOW ON THIS 2nd day of March, 2018, the undersigned, as Presiding Judge of the Twenty-fourth Judicial Circuit, pursuant to the powers granted by statute and local court rules, does assign the above-styled cause to the Honorable Shawn McCarver.

IT IS FURTHER ORDERED that the judge assigned hereby shall have all powers and responsibilities for this cause as assigned by operation of law and the same shall continue until final disposition of the above-styled matter. The clerk is ordered to notify said Judge and counsel of this appointment.



WENDY WEXLER HORN  
PRESIDING JUDGE  
24<sup>TH</sup> JUDICIAL CIRCUIT



**Vicki Weible**

**Clerk of the Circuit Court**

---

**1 N. WASHINGTON SUITE 102  
FARMINGTON, MO. 63640  
573) 756-4551  
March 6, 2018**

**Vance R. Clark  
#167236  
JCCC  
800 No More Victims HU2-C-101  
Jefferson City, MO 65101**

**Dear Mr. Clerk:**

**Enclosed please find your receipt on the civil case you recently filed. The filing fee to file a petition is \$95.00. The checks you submitted were in the amounts of \$70 and \$25. Those checks were applied to your filing fee. You will need to submit the service fee to my office payable to the St. Francois County Sheriff to have a summons served. No further action will be taken on your case until the check for service fees is received. Thank you.**

**Very truly yours,**

**Vicki J. Weible  
Circuit Clerk**

February 26, 2018

Vicki Weible  
Clerk of the Court of St. Francois County  
1 N. Washington Ste. 102  
Farmington, Mo. 63640

Re: Enclosed payments for filing fee, summons and service of petition for declaratory judgment and enclosed papers that have been mailed separately due to processing of the payments enclose - and titled as such:

VANCE CLARK,  
Plaintiff,  
-v.-

UNITED STATES OF AMERICA  
RURAL HOUSING SERVICE  
a/k/a USDA,  
Defendant.

Dear Ms. Weible:

I have separately mailed the above entitled Petition, and papers, for filing and service on the Defendant USDA. Please contact me once they are filed, and served, or if there is any problem or further fees needed.

That you for your time and coporation in this duel process of filing, service, and payment of required fees.

Sincerely yours,



Vance Clark 167236  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Mo. 65101

**FILED**

MAR 02 2018

VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO



## IN THE 24TH JUDICIAL CIRCUIT COURT, ST. FRANCOIS COUNTY, MISSOURI

Judge or Division: SHAWN RAGAN MCCARVER	Case Number: 18SF-CC00042
Plaintiff/Petitioner: VANCE R CLARK	Plaintiff's/Petitioner's Attorney/Address VANCE R CLARK #167236 JCCC 800 NO MOR VICTIMS HU2-C-101 JEFFERSON CITY, MO 65101
Defendant/Respondent: USDA RURAL DEVELOPMENT a/k/a RURAL HOUSING SERVICE	Court Address: 1 N WASHINGTON FARMINGTON, MO 63640
Nature of Suit: CC Declaratory Judgment	(Date File Stamp)

## Summons in Civil Case

<b>The State of Missouri to: USDA RURAL DEVELOPMENT a/k/a RURAL HOUSING SERVICE</b> Alias: 812 PROGRESS DR FARMINGTON, MO 63640	
COURT SEAL OF ST. FRANCOIS COUNTY	You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition. 3/16/2018 Date _____ Clerk _____ Further Information: _____
<b>Sheriff's or Server's Return</b> <b>Note to serving officer:</b> Summons should be returned to the court within thirty days after the date of issue. I certify that I have served the above summons by: (check one) <input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent. <input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years. <input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title). <input type="checkbox"/> other _____ Served at _____ (address) in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time). _____ Printed Name of Sheriff or Server _____ Signature of Sheriff or Server <b>Must be sworn before a notary public if not served by an authorized officer:</b> (Seal) Subscribed and sworn to before me on _____ (date). My commission expires: _____ Date _____ Notary Public _____	
<b>Sheriff's Fees</b> Summons \$ _____ Non Est \$ _____ Sheriff's Deputy Salary \$ 10.00 Supplemental Surcharge \$ _____ ( _____ miles @ \$. _____ per mile) Mileage \$ _____ Total \$ _____ A copy of the summons and a copy of the petition must be served on <b>each</b> Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.	





## IN THE 24TH JUDICIAL CIRCUIT COURT, ST. FRANCOIS COUNTY, MISSOURI

Judge or Division: SHAWN RAGAN MCCARVER	Case Number: 18SF-CC00042
Plaintiff/Petitioner: VANCE R CLARK	Plaintiff's/Petitioner's Attorney/Address VANCE R CLARK #167236 JCCC 800 NO MOR VICTIMS HU2-C-101 JEFFERSON CITY, MO 65101
Defendant/Respondent: USDA RURAL DEVELOPMENT a/k/a RURAL HOUSING SERVICE	Court Address: 1 N WASHINGTON FARMINGTON, MO 63640
Nature of Suit: CC Declaratory Judgment	

**FILED**  
**MAR 26 2018**  
VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO  
(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: USDA RURAL DEVELOPMENT a/k/a RURAL HOUSING SERVICE  
Alias:

812 PROGRESS DR  
FARMINGTON, MO 63640

COURT SEAL OF



ST. FRANCOIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

3/16/2018

Date

Clerk

Further Information:

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☒ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with ANN MELL a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at 812 PROGRESS DR FARMINGTON MO 63640 (address)  
in ST FRANCOIS (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at 3:18 PM (time).

G. WINDSOR #903  
Printed Name of Sheriff or Server

G. Windsor #903  
Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees

Summons \$ 20.00  
Non Est \$ \_\_\_\_\_  
Sheriff's Deputy Salary \_\_\_\_\_  
Supplemental Surcharge \$ 10.00  
Mileage \$ 1.31 ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
Total \$ 31.31

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

40526

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY  
STATE OF MISSOURI

VANCE CLARK,

Plaintiff,

v.

UNITED STATES OF AMERICA  
RURAL HOUSING SERVICE  
a/k/a USDA,

Defendant.

CAUSE NO. 18SF-CC00004

**FILED**

APR 18 2018

VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO

PETITION FOR PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF

COMES NOW Plaintiff, Vance Clark, pro se, and for his claim for relief by injunction, states as follows:

1. Plaintiff, Vance Clark is a single person and a resident of Cole County, Missouri, confined at the Jefferson City Correctional Center, 8200 No More Victims, H.U. 2-C-101, Jefferson City, Missouri 63601.
2. Defendant, USDA Rural Development, is an entity of the United States of America, organized and existing under the laws of the State of Missouri, having a principle place of business located at 812 Progress Road, Farmington, County of St. Francois, Missouri 63640.
3. Stephanie Adams, acting on behalf of Ann L. Mell, in part, is an employee of USDA Rural Development.
4. Ann L. Mell, Substitute Trustee, is an employee of USDA Rural Development.
5. This Court has jurisdiction pursuant to Section 527.010 of the Revised Statutes of Missouri, and Article V, Section 14 of the Missouri Constitution.
6. Venue is proper before this Court pursuant to Sections 526.030, 527.020, and 508.010 of the revised Statutes of Missouri, as Defendant and the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637 both reside

in the County of St. Francois, within the State of Missouri.

#### INTRODUCTION

7. This action is filed pursuant to Section 526.030 of the Revised Statutes of Missouri. Plaintiff seeks injunctive relief as to where a cloud would be put on the title of the real estate being sold under the execution against him, where an irreparable injury to the real property is now threatened, and thereby to prevent the doing of a legal wrong which would result in a situation where no adequate relief or remedy could be afforded by an action for damages. See Exhibit L, pg 41.

8. At all times mentioned herein, Plaintiff, Vance Clark, is the owner of the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, County of St. Francois. See Exhibit G, pg 36.

#### WHY INJUNCTIVE RELIEF IS PROPER

9. Plaintiff incorporates his Statement of Uncontroverted Facts and Memorandum of Law by reference as if fully stated herein.

10. Immediate and irreparable injury, loss and damage will result if Defendant USDA Rural Development is to sell Plaintiff's real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, through the action of the scheduled foreclosure/Trustee's Sale on April 30, 2018. See Exhibit G, pg 35-36.

11. This Court granting a Preliminary Injunction would only be a small inconvenience to Defendant, while the harm to Plaintiff would be enormous due to his previous reliance of the "good faith agreement" entered into by both parties during the litigation of Cause No. 10SF-CC00289. Defendant USDA's actions as co-defendant in 10SF-CC00289, failure to respond to Vance Clark's request to reach an agreement suitable to both parties (See Exhibit F, pg 33-34) left Vance Clark with no choice other than to file a declaratory judgment action

(See Exhibit B, pg 4-12) to prevent the irreparable injury, loss and damage he now seeks to prevent in this action for injunctive relief, due to Defendant choosing to respond to Plaintiff's allegations in the petition by serving him NOTICE OF TRUSTEE'S SALE - instead of responding to the Petition's claims as to the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637.

12. Plaintiff, having received no compensation whatsoever from Cause No. 10SF-CC00289, has sustained additional costs and living expenses as a result of the fire that consumed his entire Dwelling and all of his personal property and is still presently seeking compensation in said action. Defendant, having received \$72,000.00 in compensation from Cause No. 10SF-CC00289, was dismissed from the litigation, with prejudice, on February 21, 2014. Defendant USDA has made no offer to share the \$72,000.00 from Vance Clark's insurance claim to help with expenses, clean up and secure the real property from the damage sustained by said fire, nor has Defendant made any demand for payment from Plaintiff as to the real property secured by the loan which was previously litigated by the Defendant in Cause No. 10SF-CC00289.

13. Plaintiff has complied with all conditions of the "good faith agreement" entered into with Defendant. Defendant has, and continues to, violate those conditions in both cause 10SF-CC00289 and 18SF-CC00042 without any regard to the stress, harm, pain, loss, injury, damage, costs and complete bewilderment of Vance Clark by its greed and lack of compassion.

WHEREFORE, Plaintiff request that this Court:

(a) Enter preliminary and permanent injunctions enjoining Defendant from selling the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, County of St. Francois.


(b) Enter orders that Defendant abide by the "good faith agreement" entered into by both parties while co-defendants in Cause No. 10SF-CC00289; pending further order of this Court, deposit the \$72,000.00 accepted from insurance policy number PRO 0319954 pursuant to claim number 000000297547; and respond to the allegations set forth and comply with the discovery requested by the Plaintiff in Cause No. 18SF-CC00042.

(c) Grant Plaintiff such additional relief as this Court deems appropriate.

Dated: April 14, 2018

AFFIDAVIT AND VERIFICATION

I have prepared and read the above Petition for Preliminary and Permanent Injunctive Relief and I verify that the information contained in the Petition is true and accurate to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Vance Clark 167236, plaintiff  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Missouri 65101

On this 16<sup>th</sup> day of April, 2018, before me personally appeared Vance Clark who first being duly sworn, stated that the facts set out in the foregoing Petition are true and accurate.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this 16<sup>th</sup> day of April, 2018.

  
\_\_\_\_\_  
NOTARY PUBLIC



ELIZABETH THORNTON  
My Commission Expires  
November 13, 2021  
Maries County  
Commission #17014373

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY  
STATE OF MISSOURI

VANCE CLARK,

Plaintiff,

v.

UNITED STATES OF AMERICA  
RURAL HOUSING SERVICE  
a/k/a USDA,

Defendant.

CAUSE NO. 18SF-GC00042

**FILED**

APR 18 2018

VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO

PLAINTIFF'S STATEMENT OF UNCONTROVERTED FACTS

COMES NOW Plaintiff Vance Clark, pro se, and for his Statement of Uncontroverted Facts in support of his Petition for Preliminary and Permanent Injunctive Relief, and his Motion for Partial Summary Judgment, states as follows:

1. Farm Bureau issued Vance Clark a homeowners policy with Policy Number PRO 0319954, insuring real and personal property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637. See Exhibit C, pg 13.
2. Vance Clark, a single person, secured ownership of the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, by filing transfer of ownership for Roy and Edna Barry, a married couple, recorded in the Office of Recorder of Deeds at Farmington, Missouri, in the County of St. Francois, in Document No. 2009R-10926, and re-recorded in Document No. 2010R-00327. See Exhibit G, pg 36.
3. Vance Clark suffered casualty without fault when a fire consumed the entire Dwelling located at 3416 Hildebrecht Road, Doe Run, Missouri 63637. See Exhibit C, pg 15.
4. Vance Clark signed a Sworn Proof of Loss Statement under claim number 000000-297547, in part, for the loss of his Dwelling by fire. See Exhibit C, pg 16.

5. Farm Bureau filed its Petition for Declaratory Judgment, Cause No. 10SF-CC 00289, naming Vance Clark and USDA Rural Development as defendants in dispute of insurance policy number PRO 0319954. See Exhibit D, pg 30.

6. USDA Rural Development, by and through Richard G. Callahan, United States Attorney for the Eastern District of Missouri and Christina Moore, Assistant United States Attorney for said District, agreed and stipulated that he/she had the authority to enter into the SETTLEMENT AND RELEASE OF ALL CLAIMS, including all claims of action as set forth in the pleadings and file of Farm Bureau Town & Country Insurance Company of Missouri v. Vance Clark and USDA Rural Development a/k/a Rural Housing Service, Cause No. 10SF-CC00289, pending in Circuit Court of St. Francois County, State of Missouri, in consideration of Seventy-Two Thousand Dollars accepted by USDA from claim number 000000297547, under Farm Bureau policy number PRO 0319954. See Exhibit E, pg 31.

7. USDA Rural Development accepted and acknowledged that the SETTLEMENT AND RELEASE OF ALL CLAIMS shall operate as a complete extinguishment and bar of any and all claims in the on-going litigation of Cause No. 10SF-CC00289, and Farm Bureau's policy number PRO 0319954, arising from the fire that destroyed the Dwelling located at 3416 Hildebrecht Road, Doe Run, Missouri 63637. See Exhibit D, pg 23 at 2/21/2014; and Exhibit E, pg 31.

8. USDA Rural Development is aware that Vance Clark remains as the sole Defendant/Counterclaim Plaintiff in the on-going litigation of Cause No. 10SF-CC00289, and holds interest in the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, as to rebuilding the Dwelling with the funds of Coverage A from claim number 000000297547 under policy number PRO 0319954. See Exhibit D, pg 17.



9. USDA Rural Development has not made any demand for payment for the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, subsequent to the fire that destroyed the Dwelling, pursuant to a good faith agreement. See Exhibit F, pg 33-34.


10. USDA employee Stephanie Adams, acting for Substitute Trustee Ann L. Mell, drafted a letter informing Vance Clark of a Notice of Trustee's Sale scheduled for Monday, April 30, 2018, at 1:00 pm at the St. Francois County Courthouse, Farmington, Missouri. See Exhibit G, pg 35-36.

11. USDA Rural Development continues to refuse to communicate with Vance Clark about the allegations of its knowing and malicious denial of Plaintiff's contractual rights, while continuing to enjoy the \$72,000.00 it obtained from Plaintiff's insurance claim number 000000297547 under policy number PRO 0319954, attempting to circumvent Missouri law and Plaintiff's rights by moving to sell the property in dispute, located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, instead of responding to Plaintiff's petition as required by law. See Exhibit A, pg 3; Exhibit G, pg 35-36; Exhibit I, pg 38; Exhibit J, pg 39; Exhibit K, pg 40; and Exhibit N, pg 43.

12. Vance Clark purchased insurance policy PRO 0319954, and filed claim number 000000297547, relying on Coverage A's \$136,464.00 replacement coverage to rebuild the Dwelling in a case of total loss of his Home. See Exhibit C, pg 15.

13. Vance Clark cannot replace the Dwelling if USDA Rural Development sells his real property before he can complete the litigation he is currently under in Cause No. 10SF-CC00289. See Exhibit B, pg 10; and Exhibit G, pg 35-36.

By: Vance Clark, ~~167236~~  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Mo. 65101

  
Vance Clark, pro se

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY  
STATE OF MISSOURI

VANCE CLARK,

Plaintiff,

v.

UNITED STATES OF AMERICA  
RURAL HOUSING SERVICE  
a/k/a USDA,

Defendant.

CAUSE NO. 18SF-CC00042

**FILED**

APR 18 2018

VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO

PLAINTIFF'S STATEMENT OF UNCONTROLLED FACTS

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By: Vance Clark, ~~167236~~  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Mo. 65101

  
Vance Clark, pro se

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY  
STATE OF MISSOURI

VANCE CLARK,

Plaintiff,

v.

UNITED STATES OF AMERICA  
RURAL HOUSING SERVICE  
a/k/a USDA,

Defendant.

CAUSE NO. 18SF-CC00042

**FILED**

APR 18 2018

VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO

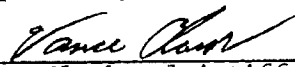
MOTION FOR EMERGENCY HEARING FOR PLAINTIFF'S  
PETITION FOR PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF

COMES NOW Plaintiff, Vance Clark, pro se, for an Emergency Hearing for his Petition for Preliminary and Permanent Injunctive Relief. The Emergency Hearing is necessary due to Defendant USDA Rural Development serving Plaintiff by Certified Mail/Return Receipt Requested, on April 10, 2018, with a response of Notice of Trustee's Sale, scheduled for April 30, 2018, for the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637. Irreparable harm and damage will be caused by the sale of Plaintiff's real property, that cannot be compensated by monetary compensation, and will deny Plaintiff Vance Clark his constitutional right to a fair trial.

Plaintiff has filed with this motion his Petition for Writ of Habeas Corpus Ad testificandum requesting he be brought before the Honorable Shawn McCarver in the current action filed in this Court under the aboved captioned heading.

WHEREFORE, Petition prays this Court grant this Motion For Emergency Hearing, and bring him before this Court prior to April 30, 2018, in the interest of fairness, justice and a fair trial on the claims presnted.

Respectfully submitted,

  
Vance Clark, plaintiff

Vance Clark 167236  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Missouri 65101

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY  
STATE OF MISSOURI

VANCE CLARK,

Plaintiff,

v.

UNITED STATES OF AMERICA  
RURAL HOUSING SERVICE  
a/k/a USDA,

Defendant.

CAUSE NO. 18SF-CC00042

CERTIFICATE OF SERVICE

I, Plaintiff Vance Clark, hereby certify that a true and correct copy of all the below listed legal filings have been mailed by US Mail, postage prepaid, this 16<sup>th</sup> day of April, 2018, to the Defendant USDA Rural Development, 812 Progress Drive, Farmington, Missouri 63640:

Motion for Emergency Hearing for Plaintiff's Petition for Preliminary and Permanent Injunctive Relief;

Petition for Writ of Habeas Corpus Ad Testificandum;

Plaintiff's Statement of Uncontroverted Facts;

Plaintiff's Memorandum of Law in Support of his Motion for Partial Summary Judgment and his Petition for Preliminary and Permanent Injunctive Relief;

Petition for Preliminary and Permanent Injunctive Relief;

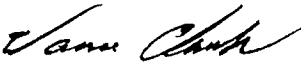
Motion For Partial Summary Judgment; and,

Petitioner's Exhibits A - N.

**FILED**

APR 18 2018

VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO

  
Vance Clark 167236  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Missouri 65101

No. 18SF-CC00042

---

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY  
STATE OF MISSOURI

---

VANCE CLARK,  
Plaintiff,

v.

UNITED STATES OF AMERICA RURAL HOUSING SERVICE  
a/k/a USDA,  
Defendant.

-----  
This action is filed in the 24th Judicial Circuit  
under the Missouri Declaratory Judgment Act,  
Mo. Rev. Stat. Section 527.010, et seq;  
THE HONORABLE SHAWN RAGAN MCCARVER, JUDGE  
-----

PETITIONER'S EXHIBITS A - N  
-----

VANCE CLARK  
Plaintiff, pro se

Vance Clark 167236  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-G-101  
Jefferson City, Missouri 65101

**FILED**

APR 18 2018

VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO

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EXHIBIT A

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RURAL (E-CASE)**

<b>Case Header</b>	<b>Parties &amp; Attorneys</b>	<b>Docket Entries</b>	<b>Charges, Judgments &amp; Sentences</b>	<b>Service Information</b>	<b>Filing Due</b>	<b>Scheduled Hearings &amp; Trials</b>	<b>Civil Judgments</b>	<b>Garnishments/Execution</b>
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Sort Date Entries: ☒ Descending  
☐ AscendingDisplay Options: 

<b>03/26/2018</b>	<b>Family Member/Roommate Served</b> Document ID - 18-SMCC-170; Served To - USDA RURAL DEVELOPMENT a/k/a RURAL HOUSING SERVICE; Server - ; Served Date - 26-MAR-18; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - Leaving copy with Ann Mell
<b>03/16/2018</b>	<b>Summons Issued-Circuit</b> Document ID: 18-SMCC-170, for USDA RURAL DEVELOPMENT a/k/a RURAL HOUSING SERVICE.
<b>03/06/2018</b>	<b>Correspondence Filed</b>
<b>03/02/2018</b>	<b>Correspondence Filed</b> Filed By: VANCE R CLARK Judge Assigned
<b>03/01/2018</b>	<b>Request Filed</b> Filed By: VANCE R CLARK <b>Mot for Production of Docs</b> Filed By: VANCE R CLARK <b>Correspondence Filed</b> Filed By: VANCE R CLARK <b>Confid Filing Info Sheet Filed</b> Filed By: VANCE R CLARK <b>Pet Filed in Circuit Ct</b> Filed By: VANCE R CLARK

EXHIBIT B

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY  
STATE OF MISSOURI

VANCE CLARK,  
Plaintiff,  
-v.-  
UNITED STATES OF AMERICA  
RURAL HOUSING SERVICE  
a/k/a USDA,  
Defendant.

Cause No.

**FILED**

APR 18 2018

VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO

PETITION FOR DECLARATORY JUDGMENT

Plaintiff, Vance Clark, pro se, for cause of action states as follows:

**Parties**

1. Plaintiff, Vance Clark, is an individual residing in Cole County, Missouri, at the Jefferson City Correctional Center, 8200 No More Victims, Jefferson City, Missouri 65101.

2. Defendant, USDA, is an entity of the United States of America and has an office in St. Francois County, Missouri, at Industrial Park Drive in Farmington, Missouri 63640.

**Jurisdiction and Venue**

3. This Court has jurisdiction to hear this action under Mo. Rev. Stat. Section 527.010 et seq. and Art. V Section 14 of the Missouri Constitution.

4. Venue is proper before this Court pursuant to Section 508.010 of the Revised Statutes of Missouri as the injury involved in this action occurred in St. Francois County, Missouri.

**Statement of Facts**

6. Vance Clark purchased a 3 acre parcel of real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637 on November 2, 2009. Mr. Clark financed the purchase with a \$122,000.00 loan from USDA. Mr. Clark exe-

cuted title and interest in the property as "owner".

7. The aforementioned real property was insured by Vance Clark prior to purchase, on October 28, 2009, through Farm Bureau Town & Country Company of Missouri, policy number PRO 0319954 00, insuring real and personal property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637. Said policy was issued and made out to Vance Clark, with coverage limit on the dwelling alone set at \$136,464.00 in order to replace the home, if needed.

8. On September 16, 2010, Vance Clark suffered casualty without fault in that a fire consumed the dwelling entirely, and all of his personal property therein, at 3416 Hildebrecht Road, Doe Run, Missouri 63637. Mr. Clark notified both USDA and Farm Bureau of the fire and intent to rebuild.

9. On December 13, 2010, Vance Clark submitted claim number 297547 and a sworn statement in proof of loss (see attached statement - pages 1-4). Since the policy issued, on October 28, 2009, there has been no assignment thereof, or change of interest of policy PRO 0319954 00 - Vance Clark retains sole interest and ownership of both the real and personal property and the only executor of his insurance policy covering said properties.

10. On December 28, 2010, Farm Bureau filed a Petition For Declaratory Judgment in the Circuit Court of St. Francois County, State of Missouri, in Cause Number 10SF-CC00289, seeking a determination on the validity/enforceability of insurance policy PRO 0319954 00. Although litigation continues on this issue, Farm Bureau paid settlement monies to USDA from Vance Clark's insurance policy without Mr. Clark's knowledge or consent. Vance Clark has not received any settlement monies or other thing of value from any person, company, firm, association or USDA, involved in this occurrence as a settlement, in whole or in part, of his claim submitted under his insurance policy PRO 0319954 00 on December 13, 2010.

11. On October 30, 2014, Vance Clark spoke with attorney Benjamin Todd Aranda whom represents him as Defendant/Counterclaim Plaintiff in Cause Number 10SF-CC00289 concerning a letter from Emily Short, in regard to USDA. The letter, sent directly to Vance Clark, was drafted by Ms. Short's attorney Robert L. Brady - who represents Farm Bureau. It was later confirmed comparative fault had occurred through an act of bad faith in USDA secretly accepting settlement monies from Vance Clark's insurance claim in accord and satisfaction of the loan it issued to Mr. Clark on November 2, 2009. For USDA did not accord Vance Clark an opportunity to obtain any of those funds to rebuild his home, as previously agreed between both of the parties, nor to replace any of his personal property lost in the fire.

12. Thereafter, Vance Clark was repeatedly assured that USDA had foregone any interest in the property as mortgagee, lienholder, loss payee, or as a individual person due to the acceptance of settlement monies and prior good faith agreement entered into between both parties attorneys due to USDA finding accord and satisfaction of its loan upon accepting monies. Vance Clark proceeded to invest approximately \$15,000.00 in converting the garage into a one-bedroom home, also expending more funds to clean up and landscape the fire damaged remains.

13. In early January of 2018, caretaker for the property Mark Hedrick arrived to find USDA representative Pam Scott and another individual taking pictures at 3416 Hildebrecht Road, Doe Run, Missouri 63637. Mr. Hedrick questioned Ms. Scott, whom informed him she was preparing to initiate a foreclosure on the property. Mr. Hedrick thereafter informed Mr. Clark.

14. On January 17, 2018, Vance Clark sent a two-page correspondence to USDA addressing the issues previously set out in paragraphs 6-13 above. A response was requested - none has been received by Vance Clark.

15. On February 15, USDA representative Pam Scott phoned Mark Hedrick in order to advise him she had received the January 17, 2018, correspondence from Vance Clark; that she had forwarded the correspondence to USDA's attorneys; that USDA did receive and accept monies from Vance Clark's insurance policy for the fire that completely destroyed the home; that USDA is proceeding with foreclosure on the property; and if he (Mark Hedrick) is interested in purchasing the property at 3416 Hildebrecht Road, Doe Run, Missouri 63637, it will probably be sold at auction for approximately \$5,000.00 - he should check with the county Assessor's Office, as she also intends on doing herself.

Request and Basis for Declaratory Relief - COUNT I

16. Plaintiff seeks a declaration of his rights under the deed purporting to establish the interests of Plaintiff and Defendant in real property in St. Francois County, Missouri, 3416 Hildebrecht Road, Doe Run, to ascertain whether USDA remains a legitimate creditor of Vance Clark under the contract for the aforementioned real property after receiving and accepting procurement of payment from Vance Clark's insurance policy PRO 0319954 00, which was obtained without his knowledge or consent, or to whether USDA is entitled to foreclose and sell certain property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637.

17. Plaintiff is entitled to request such a declaration under Section 527.020 of the Revised Statutes of Missouri, authorizing actions requesting construction of contracts.

18. The threat to Plaintiff's interest is not contingent but is impending and real, and is ripe for decision in that USDA has not responded directly to Plaintiff's January 17, 2018 correspondence regarding these issues; a USDA representative, Pam Scott, has initiated foreclosure and already made

and attempt to find a buyer for Plaintiff's property by instructing Mark Hedrick to contact the county Assessor's Office; by Pam Scott's placing an approxiamate price of \$5,000.00 on Plaintiff's real property; and by her being a representative of USDA and acknowledging an interest in purchasing Plaintiff's real property herself, after foreclosure and being fully aware USDA has already accepted settlement monies from policy PRO 0319954 00 by fraudulent means in order to achieve accord and satisfaction of the loan issued to Plaintiff for said real property - knowing Plaintiff intended to use those funds to rebuild the dwelling insured in his insurance policy; USDA foregoing it good faith agreement after Plaintiff has relied on said agreement to continue to invest, maintain and improve the real property; all of which has caused Plaintiff to incur significant financial losses in the amount of \$25,000.00 upon forclosure, and threatens Plaintiff with irreparable harm that cannot be compensated by monetary damages.

19. More specifically, Plaintiff's Sworn Statement in Proof of Loss shows him to claim, and hold, sole title and interest in the real property; that there has been no assignment thereof, or change in interest or use of the property; that the dwelling alone has \$136,464.00 coverage that USDA has fraudulently claimed from Plaintiff's insurance policy; and that all persons named as an insured (Vance Clark alone) were required to sign this document in front of a notary public and have their seal adhered to this document. Notary Pamela S. Wilkinson adhered her seal to this document on the 13th day of December, 2010. Said document was faxed and accepted by Farm Bureau Town & Country Insurance Company of Missouri at 12:40 PM on December 13, 2010, showing Plaintiff to hold exclusive rights to all claims submitted under claim 297547 and policy PRO 0319954 00. Defendant USDA continues to act in bad faith by now moving to foreclose and sell Plaintiff's real property by ignoring his rights.

**Wherefore, Plaintiff prays:**

- a. That the Court issue a declaratory judgment setting forth the parties' rights and obligations entered into under the deed purporting to establish the interest of Plaintiff and Defendant in the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, and declaring Vance Clark is the rightful owner and holds both title and interest of the property described in the Deed.
- b. That the Court issue a declaratory judgment setting forth the parties' rights and obligations under the contract to ascertain whether USDA remains a legitimate creditor of Vance Clark after receiving procurement of payment of \$70,000.00 from his insurance policy PRO 0319954 00, without his knowledge or consent, in accord and satisfaction of USDA's interest of Cause Number 10SF-CC00289, declaring USDA waived its rights as a legitimate creditor upon accepting the aforementioned procurement of payment as to the interest held by both parties in Cause Number 10SF-CC00289, being USDA no longer holds any interest in the dispute directly related to the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637 and while Vance Clark is still actively involved in that litigation stemming from the destruction and loss he has, and continues to, suffer by the injury incurred by the event insured against - total loss of his Home and all of the personal property therein.
- c. That the Court issue a declaratory judgment setting forth the parties' rights and obligations under the deed and contract regarding the foreclosure initiated by USDA on the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637 and declare that USDA is estopped from foreclosing due its waiving any right by its own actions of previous interest being satisfied by procurement of payment of \$70,000.00 in Cause Number 10SF-CC00289 and violation of its good faith agreement with Plaintiff.
- d. For such other and further relief as the Court may deem just and proper.



**Request and Basis for Declaratory Relief - COUNT II**

20. Plaintiff, Vance Clark, incorporates by reference the Parties, Jurisdiction and Venue, and Statement of Facts of Paragraphs number 1 through 15 of his Petition.

21. Plaintiff seeks a declaration of his rights under the insurance contract of policy PRO 0319954 00 purporting to establish the rights and interest of Plaintiff as to the allotment allowance in said policy set forth to replace the dwelling that was totally destroyed by fire on September 10, 2010, located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, where he has such a relation or concern in such subject matter that he will derive pecuniary benefit or advantage from its preservation, or will suffer pecuniary loss or damage from its destruction, termination, or injury by happening of the event insured against if denied his right to rebuild his Home.

22. Plaintiff is entitled to request such a declaration under Missouri Revised Statutes, Section 527.020, authorizing actions requesting construction of contracts.

23. The threat to Plaintiff's interest is not contingent but is pending and real, and is ripe for decision in that he is being denied an insurable interest by Defendant in the subject matter insured under policy PRO 0319954 00, the right to rebuild his Home which is covered in the policy, being the sole reason he obtained insurance on the property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, prior to purchase of the real property, was in the event he may suffer loss or damage to the insured property he could utilized those proceeds to preserve and protect the integrity of pecuniary benefit of being a Home-owner. Defendant, USDA, continues to circumvent preservation of Vance Clark's reliance on using the \$70,000.00 it obtained from his policy needed for reconstruction of the dwelling upon he himself obtaining satisfaction of interest in Cause Number 10SF-CC00289 under policy PRO 0319954 00. Plaintiff cannot replace the dwelling without the total allotment in the policy - Dwelling (Coverage A) \$136,464.00.

24. Plaintiff, Vance Clark, incorporates by reference the allegations of Paragraphs number 18 through number 19 of this Petition.



25. Attorney Benjamin Todd Aranda, whom represents me under Cause Number 10SF-CC00289, contacted me today, February 23, 2018, by phone through the Caseworker's Office here at Jefferson City Correctional Center, with information relevant to the facts set out in this Petition, as follows:

a. After reviewing the two-page correspondence that I sent to USDA on January 17, 2018, and talking with Mark Hedrick concerning the phone Mr. Hedrick received from USDA representative Pam Scott (see Paragraph 15 of this petition), Mr. Aranda e-mailed USDA requesting verification of USDA receiving Plaintiff's correspondence and the phone call placed to Mr. Hedrick by Ms. Scott.

b. USDA Representative Pam Scott e-mailed Mr. Aranda her response to his inquiry, to which Mr. Aranda stated confirmed all of Plaintiff's allegations stated in Paragraphs number 13 through number 15 of this Petition.

c. Mr. Aranda also clarified his legal position of currently representing Plaintiff in the ongoing litigation of Cause Number 10SF-CC00289, while stating he is not required to represent him in the filing of this Petition due to it being a totally separate action naming USDA as Defendant. He further clarified that being USDA is no longer part of the dispute being litigated in Cause Number 10SF-CC00289, that dealing with interest of Vance Clark's insurance policy PRO 0319954 00 regarding the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, he is not required by law to enter into any issue concerning USDA's initiating foreclosure of the same real property, even though both disputes involve the same real property USDA accepted \$70,000.00 in accord and satisfaction before becoming no longer a party in the said contract dispute.

Wherefore, Plaintiff prays;

a. That the Court issue a declaratory judgment setting forth the parties' rights and obligations under the contract of insurance of the insurance funds allotted for the rebuilding of the dwelling, which includes the \$70,000.00 dollars retained by USDA, necessary to establishing Plaintiff's right to rebuild his Home with those funds.

b. For such other and further relief as the Court may deem just and proper.

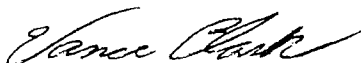
Request for Injunctive Relief included

WHEREFORE, Plaintiff Vance Clark respectfully requests a permanent mandatory injunction against Defendant USDA, directing Defendant USDA to cease and desist foreclosure of the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637. Plaintiff further requests any additional relief that the Court deems just and proper under the circumstances.

WHEREFORE, Plaintiff Vance Clark respectfully requests a permanent mandatory injunction against Defendant USDA, directing Defendant USDA to refrain from using the \$70,000.00 for any other purpose than the rebuilding of the dwelling that was destroyed by fire on the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637. Plaintiff further requests any additional relief that the Court deems just and proper under the circumstances.

DATED: February 23, 2018

Respectfully submitted,



Vance Clark, pro se Plaintiff

Vance Clark 167236  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Mo. 65101

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was mailed, postage prepaid, by US Mail on this 26th day of February, 2018, to Circuit Clerk Viki Weible for service, with summons, by the St. Francois County Sheriff's Department.



Vance Clark

EXHIBIT C

**FARM BUREAU TOWN & COUNTRY  
INSURANCE COMPANY OF MISSOURI**

**SWORN STATEMENT IN PROOF OF LOSS**

Submission of the Sworn Statement in Proof of Loss and Personal Property Inventory Forms is the first formal presentation of your claim.

Accuracy and timely submission of these forms will greatly assist us in the processing of your claim.

Please understand we will rely on all information, which you supply relating to your claim. As such, it is very important to provide us with as much detailed information as possible.

Write in the name of all persons listed on the policy of insurance.

NAME(S)

VANCE CLARK

Write in the complete policy number as shown on the accompanying letter.

POLICY NUMBER

PRO 0319954 00

Write in the complete claim number as shown on the accompanying letter.

CLAIM NUMBER

297547

Provide the physical address of the loss or describe where the loss happened.

LOCATION OF LOSS

3416 Hildebrandt Road

Doe Run, Mo. 63637

Provide the time and date the loss happened.

TIME &amp; DATE OF LOSS

9-16-2010

Explain what caused the loss.

CAUSE OF LOSS

NOT KNOWN

09-19-07



Page 1 of 4 Sworn Statement in Proof of Loss

13

**FARM BUREAU TOWN & COUNTRY  
INSURANCE COMPANY OF MISSOURI**

List your title (ownership) and interest in the property, i.e., owner, tenant, etc.

**TITLE & INTEREST**

VANCE ROY CLARK

OWNER

Provide the name(s), address(es), and phone number(s) of any other person or entities which may have any interest in the property such as a mortgagee, lienholder, loss payee, or individual person. This would include any partnership or company. If none, write in "None".

**OTHERS WITH INTEREST**

USDA Rural Development

PO Box 66889

ST. LOUIS, MO. 63166

Explain any changes made since you purchased this policy, which would affect the ownership, use, occupancy, location, or exposure of the described property. If none, state "None".

**CHANGES**

Since the said policy was issued, there has been no assignment thereof, or change of interest, use, occupancy, possession, location, or exposure of the property described except:

None

Provide the name(s), address(es), and policy number(s) of any other insurance company(ies) that insures the property. If none, state "None".

**OTHER INSURANCE**

None

# FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MISSOURI

If the policy information pages state an Actual Cash Value Settlement for the dwelling, other structures, personal property, or farm personal property, provide a dollar amount claimed in the corresponding blank. If a subsection is not applicable, write "N/A".

## ACTUAL CASH VALUE

Dwelling (Coverage A).....	\$ <u>136,464.00</u>
Other Structures (Coverage B).....	\$ <u>N/A</u>
Personal Property (Coverage C).....	\$ <u>102,348.00</u>
Farm Personal Property (Coverage E).....	\$ <u>N/A</u>

If the policy information pages state a Replacement Cost Settlement for the dwelling, other structures, or personal property, provide a dollar amount claimed in the corresponding blank. If a subsection is not applicable, write "N/A".

## REPLACEMENT COST (If any subsection does not apply, indicate "N/A".)

Dwelling (Coverage A).....	\$ <u>136,464.00</u>
Other Structures (Coverage B).....	\$ <u>N/A</u>
Personal Property (Coverage C).....	\$ <u>102,348.00</u>

Provide the amount of necessary and reasonable increase in living expense over and above your normal living expense. If this is a rental property, this amount should include any loss of Fair Rental Value you are claiming. Please complete the 'Statement of Loss for Additional Living Expense' form and attach receipts for the amount claimed.

EXTRA EXPENSE (Coverage D).....	\$ <u>N/A</u>
FARM EXTRA EXPENSE (Supplementary to Coverage E).....	\$ <u>N/A</u>

Unknown  
besides  
bills previously  
submitted

Provide the total amount of your deductibles applicable to this loss.

DEDUCTIBLE (The total of deductibles applicable).....	\$ <u>5000.00</u>
---	-------------------

Provide the total amount you are making a claim for under your policy. Be sure to include the amount claimed for each coverage involved in this loss, i.e. dwelling, personal property, other structures, extra expense. The amount claimed is the amount you are asking Farm Bureau Town & Country Insurance Company of Missouri to pay you after the total all applicable deductibles are applied.

AMOUNT CLAIMED (The amount claimed under the above-numbered Policy) .....	\$ <u>233,812.00</u>
---	----------------------

**FARM BUREAU TOWN & COUNTRY  
INSURANCE COMPANY OF MISSOURI**

READ THE FOLLOWING PARAGRAPH CAREFULLY

All persons named as an insured on the policy must sign this document in front of a notary public and have their seal adhered to this document.

**STATEMENTS**

The said loss did not originate by any act, design, or procurement on the part of any insured or this affiant; nothing has been done by or with the privities of consent of any insured or this affiant to violate the conditions of the policy or render it void. Personal Property Inventory is a list of all items destroyed or damaged. No articles are mentioned herein except such as were destroyed or damaged at the time of said loss; each item mentioned and described in said inventories was the value before the loss and was damaged in the amount shown thereon; the place of purchase, and the age at the time of loss are all shown thereon. No property saved has in any manner been concealed; and no attempt to deceive the said company, as to the extent of said loss, has in any manner been made. Any other information that may be required will be furnished and considered a part of this Proof.

The furnishing of this blank form Sworn Statement in Proof of Loss by a representative of the above insurance company is not a waiver of any of its rights.

[Signature]  
Named Insured

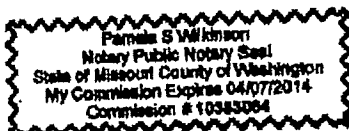
Named Insured

State of Missouri  
County of St. Francois

Subscribed and sworn to before me this 13<sup>th</sup> day of December, 2010.

[Signature: Pamela S. Wilkinson]  
Notary Public

My Commission Expires: 4-7-2014



## EXHIBIT D

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CLARK (E-CASE)**

<b>Case Header</b>	<b>Parties &amp; Attorneys</b>	<b>Docket Entries</b>	<b>Charges, Judgments &amp; Sentences</b>	<b>Service Information</b>	<b>Filing Due</b>	<b>Scheduled Hearings &amp; Trials</b>	<b>Civil Judgments</b>	<b>Garnishments/Execution</b>
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Sort Date Entries: ☒ Descending  
☐ AscendingDisplay Options: 

<b>02/21/2017</b>	<b>Certification Filed</b> Certificate of Officer and Statement of Deposition Charges, filed by Midwest Litigation Service, for the transcript of deposition of Vance Clark taken on February 9, 2017.
<b>01/11/2017</b>	<b>Notice to Take Deposition</b> Notice of Videotaped Deposition; Electronic Filing Certificate of Service. <b>Filed By:</b> ROBERT L BRADY <b>On Behalf Of:</b> FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO
<b>11/28/2016</b>	<b>Notice to Take Deposition</b> Notice of Videotaped Deposition; Electronic Filing Certificate of Service. <b>Filed By:</b> ROBERT L BRADY <b>On Behalf Of:</b> FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO
<b>08/25/2016</b>	<b>Notice to Take Deposition</b> <b>Filed By:</b> ROBERT L BRADY <b>On Behalf Of:</b> FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO
<b>06/24/2016</b>	<b>Notice to Take Deposition</b> Notice of Videotaped Deposition of Vance Clark; Electronic Filing Certificate of Service. <b>Filed By:</b> ROBERT L BRADY <b>On Behalf Of:</b> FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO
<b>02/24/2016</b>	<b>Notice to Take Deposition</b> Notice of Videotaped Deposition; Electronic Filing Certificate of Service. <b>Filed By:</b> ROBERT L BRADY <b>On Behalf Of:</b> FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO
<b>02/18/2016</b>	<b>Hearing Continued/Rescheduled</b> Upon joint request of all parties by email, pre-trial conference set for Tuesday, February 23, 2016 at 8:30 AM is continued. Cause passed generally for discovery. IT IS SO ORDERED. /s/ Shawn McCarver, Judge <b>Hearing Continued From:</b> 02/23/2016; 8:30 AM Pre-trial Conference
<b>01/11/2016</b>	<b>Notice to Take Deposition</b> Notice of Videotaped Deposition; Electronic Filing Certificate of Service. <b>Filed By:</b> ROBERT L BRADY <b>On Behalf Of:</b> FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO



**01/04/2016**      **Cert Serv Resp Req Prod Doc Th**  
Certificate of Service; Electronic Filing Certificate of Service.  
Filed By: ROBERT L BRADY  
On Behalf Of: FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO

**12/10/2015**      **Pre-trial Conference Scheduled**  
Associated Entries: 02/18/2016 - Hearing Continued/Rescheduled 📄  
Scheduled For: 02/23/2016; 8:30 AM ; SHAWN RAGAN MCCARVER; St. Francois  
Hearing Continued/Rescheduled  
Hearing Continued From: 12/10/2015; 9:00 AM Pre-trial Conference

**12/09/2015**      **Notice to Take Deposition**  
Notice of Videotaped Deposition; Electronic Filing Certificate of Service.  
Filed By: ROBERT L BRADY  
On Behalf Of: FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO

**12/08/2015**      **Available/Conflict Dates Filed**  
available dates; Electronic Filing Certificate of Service.  
Filed By: BENJAMIN TODD ARANDA

**12/03/2015**      **Motion Filed**  
withdrawal of motion; Electronic Filing Certificate of Service.  
Filed By: BENJAMIN TODD ARANDA  
On Behalf Of: VANCE R CLARK  
**Motion for Extension of Time**  
Motion; Electronic Filing Certificate of Service.  
Filed By: BENJAMIN TODD ARANDA  
On Behalf Of: VANCE R CLARK

**11/23/2015**      **Cert Serv of Prod of Docs, etc**  
Defendant's Third Request for Production of Documents to Plaintiff  
Filed By: BENJAMIN TODD ARANDA  
On Behalf Of: VANCE R CLARK

**11/20/2015**      **Motion Granted/Sustained**  
Associated Entries: 11/20/2015 - Motion for Leave  
**Motion for Leave**  
Associated Entries: 11/20/2015 - Motion Granted/Sustained

**11/19/2015**      **Motion Granted/Sustained**  
Defendant shall answer, object, or otherwise respond to discovery not later than 12-7-15. /s/SRM  
Associated Entries: 11/16/2015 - Motion for Extension of Time 📄

**11/16/2015**      **Motion for Extension of Time**  
Motion for additional time; Electronic Filing Certificate of Service.  
Filed By: BENJAMIN TODD ARANDA  
On Behalf Of: VANCE R CLARK  
Associated Entries: 11/19/2015 - Motion Granted/Sustained 📄

**10/16/2015**      **Certificate of Service**  
Plaintiff Farm Bureau's Certificate of Service; Electronic Filing Certificate of Service.  
Filed By: ROBERT L BRADY



**On Behalf Of:** FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO  
**Cert Serv of Interrog Filed**  
Certificate of Service; Electronic Filing Certificate of Service.  
**Filed By:** ROBERT L BRADY  
**On Behalf Of:** FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO

**09/28/2015** **Reply**  
Plaintiff's Affirmative Avoidance and Reply to Defendant Vance Clark's Affirmative Defenses; Electronic Filing Certificate of Service.  
**Filed By:** ROBERT L BRADY  
**On Behalf Of:** FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO

**Reply**  
Third Party Defendant John Robinson's Reply to Defendant Vance Clark's Counterclaim; Electronic Filing Certificate of Service.  
**Filed By:** ROBERT L BRADY


**Reply**  
Plaintiff's Reply to Defendant Vance Clark's Counterclaim; Electronic Filing Certificate of Service.  
**Filed By:** ROBERT L BRADY

**09/18/2015** **Amended Answer Filed**  
**Filed By:** BENJAMIN TODD ARANDA  
**On Behalf Of:** VANCE R CLARK

**08/19/2015** **Pre-trial Conference Scheduled**  
**Associated Entries:** 12/10/2015 - Hearing Continued/Rescheduled  
**Scheduled For:** 12/10/2015; 9:00 AM ; SHAWN RAGAN MCCARVER; St. Francois

**Order**  
Judgment and Order Denying Plaintiff's Motion for Summary Judgment.

**08/12/2015** **Return Service - Other**  
Document ID - 10-SMCC-1870; Served To - CLARK, VANCE R; Server - ; Served Date - 12-AUG-15; Served Time - 00:00:00; Service Type - Other; Reason Description - Other; Service Text - NO RECORD OF SUMMONS RETURNED TO COURT.

**07/20/2015** **Order - Denied**  
**Associated Entries:** 02/27/2015 - Motion Filed 

**07/10/2015** **Suggestions in Opposition**  
Plaintiffs Memorandum in Opposition to Defendant Vance Clark's Motion for Leave to File First Amended Answer; Electronic Filing Certificate of Service.  
**Filed By:** ROBERT L BRADY  
**On Behalf Of:** FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO

**Response Filed**  
Plaintiff's Response to Defendant's Sur-Reply to Plaintiff's Motion for Summary Judgment; Electronic Filing Certificate of Service.  
**Filed By:** ROBERT L BRADY  
**On Behalf Of:** FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO

**07/03/2015** **Motion for Leave**  
Leave to amend; Electronic Filing Certificate of Service.  
**Filed By:** BENJAMIN TODD ARANDA  
**On Behalf Of:** VANCE R CLARK


**Memorandum Filed**

Sur Reply; Electronic Filing Certificate of Service.  
Filed By: BENJAMIN TODD ARANDA

**06/02/2015 Notice of Hearing Filed**  
Notice of Hearing; Electronic Filing Certificate of Service.  
Filed By: ROBERT L BRADY  
On Behalf Of: FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO

**06/01/2015 Hearing Scheduled**  
**Hearing Continued/Rescheduled**  
Hearing Continued From: 06/11/2015; 9:00 AM Motion Hearing

**05/26/2015 Motion Hearing Scheduled**  
**Associated Entries: 06/01/2015 - Hearing Continued/Rescheduled**  
**Scheduled For: 06/11/2015; 9:00 AM ; SHAWN RAGAN MCCARVER; St. Francois**  
**Notice of Hearing Filed**  
Notice of Hearing; Electronic Filing Certificate of Service.  
Filed By: ROBERT L BRADY  
On Behalf Of: FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO

**05/20/2015 Judge Assigned**  
**Judge Recuses**  
Now on this date, the Court noting it's official records in the above styled case, does hereby order this cause transferred, and is therefore, transferred to Sandy Martinez Presiding Judge of the 24th Judicial Circuit, for assignment and further proceedings for the reason that Defendant moved for change of Judge. So Ordered! /s/JLG  
**Motion Granted/Sustained**  
**Associated Entries: 05/20/2015 - Motion for Change of Judge**   
**Motion for Change of Judge**  
Change of judge; Electronic Filing Certificate of Service.  
Filed By: BENJAMIN TODD ARANDA  
On Behalf Of: VANCE R CLARK  
**Associated Entries: 05/20/2015 - Motion Granted/Sustained**

**05/19/2015 Judge Assigned**

**05/11/2015 Memorandum Filed**  
Reply brief; exhibits; Electronic Filing Certificate of Service.  
Filed By: BENJAMIN TODD ARANDA  
On Behalf Of: VANCE R CLARK

**04/27/2015 Motion for Extension of Time**  
Motion for Extension of Time to File Reply to Response to Defendant's Motion for Summary Judgment Motion  
Filed By: BENJAMIN TODD ARANDA  
On Behalf Of: VANCE R CLARK

**04/14/2015 Exhibit Filed**  
Exhibit J to Farm Bureau s Reply Memorandum of Law in Support of its Motion for Summary Judgment and Farm Bureau s Response to Defendant s Motion for SJ; Electronic Filing Certificate of Service.  
Filed By: ROBERT L BRADY  
On Behalf Of: FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO  
**Exhibit Filed**

Exhibit I to Farm Bureau s Reply Memorandum of Law in Support of its Motion for Summary Judgment and Farm Bureau s Response to Defendant s Motion for SJ; Electronic Filing Certificate of Service.

**Filed By:** ROBERT L BRADY

**Exhibit Filed**

Exhibit A to Farm Bureau s Reply Memorandum of Law in Support of its Motion for Summary Judgment and Farm Bureau s Response to Defendant s Motion for SJ; Electronic Filing Certificate of Service.

**Filed By:** ROBERT L BRADY

**Reply**

Plaintiff s Reply Memorandum in Support of Its Motion for Summary Judgment; Electronic Filing Certificate of Service.

**Filed By:** ROBERT L BRADY

**On Behalf Of:** FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MO

**Response Filed**

Plaintiff s Response to Defendant Vance Clark s Motion for Summary Judgment; Electronic Filing Certificate of Service.

**Filed By:** ROBERT L BRADY

03/19/2015

**Motion for Extension of Time**

**Filed By:** ROBERT L BRADY

02/27/2015

**Response Filed**

Defendant's Response to Plaintiff's Statement of Uncontroverted Facts, filed kb

**Filed By:** BENJAMIN TODD ARANDA

**Memorandum Filed**

Defendant's Memorandum of Law in Response to Plaintiff's Summary Judgment Motion and Defendant's Memorandum of Law in Support of his Motion for Partial Summary Judgment, filed kb

**Filed By:** BENJAMIN TODD ARANDA

**Motion Filed**

Motion for Partial Summary Judgment, filed kb

**Filed By:** BENJAMIN TODD ARANDA

**Associated Entries:** 07/20/2015 - Order - Denied

**Filing:**

Defendant's Statement of Uncontroverted Facts, filed kb

**Filed By:** BENJAMIN TODD ARANDA

02/09/2015

**Notice to Take Deposition**

Deposition of Emily Short will be February 18, 2015 at 2:00 p.m. dea

**Filed By:** BENJAMIN TODD ARANDA

12/05/2014

**Motion for Extension of Time**

Motion for Extension of Time to File Response to Summary Judgment Motion, filed by fax kb

**Filed By:** BENJAMIN TODD ARANDA

12/02/2014

**Notice**

Motion hearing scheduled for December 4, 2014 at 9:00 a.m. kb

**Filed By:** BENJAMIN TODD ARANDA

**Notice to Take Deposition**

Deposition of Emily Short on December 4, 2014 at 11:30 a.m. kb

**Filed By:** BENJAMIN TODD ARANDA

**Motion for Extension of Time**

Motion for Extension of Time to File Response to Summary Judgment Motion, filed kb

**Filed By:** BENJAMIN TODD ARANDA

**12/01/2014**      **Hearing Continued/Rescheduled**  
Hearing Continued From: 12/15/2014; 8:30 AM Jury Trial

**11/26/2014**      **Motion for Extension of Time**  
Motion for Extension of Time to File Response to Summary Judgment Motion, filed kb  
Filed By: BENJAMIN TODD ARANDA  
**Motion for Continuance**  
Joint Motion for Continuance of Trial Setting, December 15, 2014. Filed by fax kb

**11/12/2014**      **Notice to Take Deposition**  
Deposition of Lacey Myracle on November 19, 2014 at 1:00 p.m. kb  
Filed By: BENJAMIN TODD ARANDA

**10/31/2014**      **Motion for Extension of Time**  
Motion for Extension of Time to File Response to Summary Judgment Motion, filed by fax kb  
Filed By: BENJAMIN TODD ARANDA


**10/03/2014**      **Motion for Extension of Time**  
to File Response to Summary Judgment  
Filed By: BENJAMIN TODD ARANDA

**09/02/2014**      **Motion for Extension of Time**  
Filed by fax kb  
Filed By: BENJAMIN TODD ARANDA

**08/04/2014**      **Motion for Extension of Time**  
Motion for Extension of Time to File Response to Summary Judgment Motion, filed kb  
Filed By: BENJAMIN TODD ARANDA

**05/30/2014**      **Jury Trial Scheduled**  
Associated Entries: 12/01/2014 - Hearing Continued/Rescheduled  
Scheduled For: 12/15/2014; 8:30 AM ; WENDY LYNN WEXLER HORN; Setting: 2; St. Francois

**05/28/2014**      **Order**  
**Hearing Continued/Rescheduled**  
Hearing Continued From: 07/10/2014; 8:30 AM Jury Trial  
**Motion Hearing Held**  
Cause called, Robert Brady and Benjamin Aranda present. Jury trial scheduled for July 10, 2014, is continued to December 15, 2014 at 8:30 a.m. #2 setting for 2 days. Defendant's Motion for Additional Time granted. Defendant granted to August 4, 2014 to file his response to Plaintiff's Motion for Summary Judgment. kb  
Scheduled For: 05/28/2014; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**05/27/2014**      **Motion Hearing Scheduled**  
Associated Entries: 05/28/2014 - Motion Hearing Held   
Scheduled For: 05/28/2014; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**05/23/2014**      **Notice**  
Motion hearing scheduled for May 28, 2014 kb  
Filed By: BENJAMIN TODD ARANDA  
**Motion for Extension of Time**

Motion for Extension of Time to File Responsive Response to Summary Judgment Motion, filed kb  
Filed By: BENJAMIN TODD ARANDA

**05/22/2014**      **Notice**  
Motion hearing scheduled for May 28, 2014 at 10:30 a.m. kb  
Filed By: ROBERT L BRADY

**Consent Filed**  
Consent Motion to Continue Trial Setting, filed kb  
Filed By: ROBERT L BRADY

**05/21/2014**      **Filing:**  
Plaintiff's Statement of Uncontroverted Facts, wsp  
Filed By: ROBERT L BRADY

**Memorandum Filed**  
Plaintiff's Memorandum of Law in Support of its Motion for Summary Judgment, wsp  
Filed By: ROBERT L BRADY

**Motion for Summary Judgment**  
Filed By: ROBERT L BRADY

**Notice**  
Motion hearing scheduled for May 28, 2014 at 10:30 a.m., wsp  
Filed By: ROBERT L BRADY

**Consent Filed**  
Consent Motion to Continue Trial Setting, wsp From July 10, 2014 jury trial, wsp  
Filed By: ROBERT L BRADY

**03/28/2014**      **Certificate of Service**  
Counter Claim Defendant John Robinson's Supplemental Answers to Defendant Vance Clark's First Set of Interrogatories Directed to John Robinson were mailed kb  
Filed By: ROBERT L BRADY

**03/07/2014**      **Certificate of Service**  
Plaintiff's Responses to Defendant Vance Clark's Second Request for Production of Documents was mailed kb  
Filed By: ROBERT L BRADY

**02/25/2014**      **Certificate of Service**  
Plaintiff's Answers to Defendant Vance Clark's First Set of Interrogatories was mailed kb  
Filed By: ROBERT L BRADY

**Certificate of Service**  
Counter Claim Defendant's Answers to Defendant Vance Clark's First Set of Interrogatories were mailed kb  
Filed By: ROBERT L BRADY

**02/24/2014**      **Certificate of Service**  
Filed By: ROBERT L BRADY

**02/21/2014**      **Dismissed**  
DISMISSAL WITH PREJUDICE, Comes now Plaintiff, and hereby dismisses all causes of action against Defendant, USDA Rural Development a/k/a Rural Housing Service only, with prejudice. Each party to bear its own costs. kb



**01/30/2014**      **Certificate of Service**  
Defendant Vance Clark's Second Request for Production of Documents to Plaintiff, First Set of



Interrogatories to Plaintiff, First Set of Documents to Counter Claim Defendant were mailed kb  
Filed By: BENJAMIN TODD ARANDA

**09/03/2013** Notice of Court Hearing Sent  
Jury Trial Scheduled  
Associated Entries: 05/28/2014 - Hearing Continued/Rescheduled  
Scheduled For: 07/10/2014; 8:30 AM ; WENDY LYNN WEXLER HORN; Setting: 1; St. Francois


**08/28/2013** Trial Setting Held  
Cause called. Jury trial scheduled for July 10 & 11, 2014 at 8:30 a.m. Court reporter to be provided by counsel. kb  
Scheduled For: 08/28/2013; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**08/27/2013** Available/Conflict Dates Filed  
Filed By: BENJAMIN TODD ARANDA  
Available/Conflict Dates Filed  
Memorandum to Court Regarding Available Dates for Trial, filed kb  
Filed By: CHRISTINA MARIE MOORE



**06/26/2013** Trial Setting Scheduled  
Associated Entries: 06/26/2013 - Trial Setting Held   
Associated Entries: 08/28/2013 - Trial Setting Held   
Scheduled For: 08/28/2013; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois  
Trial Setting Held  
Cause continued to August 28, 2013 at 10:30 a.m. for setting/announcements. kb  
Scheduled For: 06/26/2013; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**05/23/2013** Trial Setting Scheduled  
Associated Entries: 05/22/2013 - Trial Setting Held   
Associated Entries: 06/26/2013 - Trial Setting Held   
Scheduled For: 06/26/2013; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**05/22/2013** Trial Setting Held  
Cause called, counsel present for parties. Cause continued to June 26, 2013 at 10:30 a.m. for setting/announcements. kb  
Scheduled For: 06/26/2013; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois



**04/25/2013** Notice of Court Hearing Sent  
Trial Setting Scheduled  
Associated Entries: 05/22/2013 - Trial Setting Held   
Scheduled For: 05/22/2013; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**04/24/2013** Hearing Continued/Rescheduled  
Cause called; at the request of the parties the cause is passed to May 22, 2013 at 10:30 a.m. in Division III for announcement or setting, wsp  
Hearing Continued From: 04/24/2013; 10:30 AM Trial Setting


**02/27/2013** Notice of Court Hearing Sent  
Trial Setting Scheduled  
Associated Entries: 02/27/2013 - Trial Setting Held   
Associated Entries: 04/24/2013 - Hearing Continued/Rescheduled   
Scheduled For: 04/24/2013; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**Trial Setting Held**  
Cause called, Robert Brady present and request case be passed to April 24, 2013 at 10:30 a.m. for setting/announcements. kb  
**Scheduled For:** 02/27/2013; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**01/25/2013 Notice of Court Hearing Sent**

**01/24/2013 Trial Setting Scheduled**  
**Associated Entries:** 01/23/2013 - Trial Setting Held   
**Associated Entries:** 02/27/2013 - Trial Setting Held   
**Scheduled For:** 02/27/2013; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**01/23/2013 Trial Setting Held**  
Cause called, Robert Brady present. Cause passed to February 27, 2013 at 10:30 a.m. for setting. kb  
**Scheduled For:** 02/27/2013; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**11/28/2012 Notice of Court Hearing Sent**  
**Trial Setting Scheduled**  
**Associated Entries:** 01/23/2013 - Trial Setting Held   
**Scheduled For:** 01/23/2013; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois  
**Hearing Continued/Rescheduled**  
Cause continued at request of counsel to January 23, 2013 at 10:30 a.m. for setting/announcements. kb  
**Hearing Continued From:** 11/28/2012; 10:30 AM Trial Setting

**11/27/2012 Motion for Continuance**  
**Filed By:** BENJAMIN TODD ARANDA

**10/03/2012 Entry of Appearance Filed**  
**Filed By:** ROBERT L BRADY

**09/27/2012 Answer Filed**  
Plaintiff's Answer to Defendant Vance Clark's First Amended Counter-Claim, ws  
**Filed By:** ROBERT L BRADY  
**Notc Change of Address Filed**  
Effective October 1, 2012, filed by fax, ws  
**Filed By:** ROBERT L BRADY  
**Correspondence Filed**



**09/17/2012 Summons Personally Served**  
Document ID - 12-SMCC-1213; Served To - ROBINSON, JOHN; Server - ; Served Date - 13-SEP-12; Served Time - 12:57:00; Service Type - Sheriff Department; Reason Description - Served

**09/04/2012 Summons Issued-Circuit**  
Document ID: 12-SMCC-1213, for ROBINSON, JOHN Check # 2116 for \$55.44 to St Francois Co Sheriff from Aranda kb

**08/31/2012 Counterclaim\Petition Filed**  
First Amended Counter-Claim Against Plaintiff, filed kb  
**Filed By:** BENJAMIN TODD ARANDA



**08/29/2012 Correspondence Filed**  
Correspondence from The Aranda Law Firm to Circuit Clerk.





**08/24/2012** Trial Setting Scheduled  
Associated Entries: 08/22/2012 - Trial Setting Held   
Associated Entries: 11/28/2012 - Hearing Continued/Rescheduled   
Scheduled For: 11/28/2012; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**08/22/2012** Memorandum Filed  
Memorandum for Motion for Leaave to Amend Counterclaim and file third party petition called, heard, and granted. Summons to issue. So Ordered. /s/WH  
Trial Setting Held  
Cause called, counsel present. Motion for leave to file counterclaim and file third party petition called, heard and granted. Summons to be issued. Trial setting scheduled for November 28, 2012 at 10:30 a.m. /s/WWH  
Scheduled For: 08/22/2012; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**08/17/2012** Notice  
Motion hearing scheduled on August 22, 2012 at 10:30 am, ws  
Filed By: BENJAMIN TODD ARANDA  
Motion for Leave  
Motion for Leave to File First Amended Petition, ws  
Filed By: BENJAMIN TODD ARANDA



**07/25/2012** Trial Setting Scheduled  
Associated Entries: 07/25/2012 - Trial Setting Held   
Associated Entries: 08/22/2012 - Trial Setting Held   
Scheduled For: 08/22/2012; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois  
Trial Setting Held  
Cause continued to August 22, 2012 at 10:30 a.m. for setting/announcements. kb  
Scheduled For: 07/25/2012; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**05/24/2012** Notice of Court Hearing Sent

**05/23/2012** Trial Setting Scheduled  
Associated Entries: 05/23/2012 - Trial Setting Held   
Associated Entries: 07/25/2012 - Trial Setting Held   
Scheduled For: 07/25/2012; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois  
Trial Setting Held  
Cause called, trial setting continued to July 25, 2012 at 10:30 a.m. kb  
Scheduled For: 05/23/2012; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**05/21/2012** Notice to Take Deposition  
Deposition of Vance Clark on July 20, 2012 at 1:00 p.m. kb  
Filed By: ROBERT L BRADY

**04/12/2012** Notice to Take Deposition  
Deposotion of John Dennis on April 19, 2012 at 10:30 a.m. kb  
Filed By: BENJAMIN TODD ARANDA

**03/28/2012** Trial Setting Scheduled  
Associated Entries: 03/28/2012 - Trial Setting Held   
Associated Entries: 05/23/2012 - Trial Setting Held   
Scheduled For: 05/23/2012; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois




**Trial Setting Held**  
Cause called and passed to May 23, 2012 at 10:30 a.m. for setting/announcements. kb  
**Scheduled For:** 03/28/2012; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois  
**Notice of Court Hearing Sent**

**03/22/2012**      **Certificate of Service**  
Plaintiff's Request for Production of Documents Directed to the Defendant were faxed. kb  
**Filed By:** BENJAMIN TODD ARANDA


**03/07/2012**      **Hearing Continued/Rescheduled**  
**Hearing Continued From:** 03/07/2012; 1:30 PM Motion Hearing



**02/17/2012**      **Notice**  
Motion hearing scheduled for March 7, 2012 at 1:30 p.m. kb  
**Filed By:** ROBERT L BRADY

**02/15/2012**      **Notice of Court Hearing Sent**  
**Motion Hearing Scheduled**  
**Associated Entries:** 03/07/2012 - Hearing Continued/Rescheduled  
**Scheduled For:** 03/07/2012; 1:30 PM ; WENDY LYNN WEXLER HORN; St. Francois  
**Motion Hearing Held**  
At request of counsel, cause continued to March 7, 2012 at 1:30 p.m. kb  
**Scheduled For:** 02/15/2012; 1:30 PM ; WENDY LYNN WEXLER HORN; St. Francois

**02/03/2012**      **Motion Hearing Scheduled**  
**Associated Entries:** 02/15/2012 - Motion Hearing Held   
**Scheduled For:** 02/15/2012; 1:30 PM ; WENDY LYNN WEXLER HORN; St. Francois  
**Notice**  
Amended Notice of Hearing, February 15, 2012 at 1:30 p.m. kb  
**Filed By:** ROBERT L BRADY

**02/01/2012**      **Hearing Continued/Rescheduled**  
Cause called, Ben Aranda present. Trial setting scheduled for March 28, 2012 at 10:30 a.m. kb  
**Hearing Continued From:** 02/01/2012; 1:30 PM Motion Hearing

**12/29/2011**      **Motion Hearing Scheduled**  
**Associated Entries:** 02/01/2012 - Hearing Continued/Rescheduled   
**Scheduled For:** 02/01/2012; 1:30 PM ; WENDY LYNN WEXLER HORN; St. Francois  
**Notice**  
Motion hearing scheduled for February 1, 2012 at 1:30 p.m. kb  
**Filed By:** ROBERT L BRADY  
**Motion to Compel**  
Motion to Compel Answers to Request for Production of Documents, filed kb  
**Filed By:** ROBERT L BRADY


**12/08/2011**      **Trial Setting Scheduled**  
**Associated Entries:** 12/08/2011 - Trial Setting Held   
**Associated Entries:** 03/28/2012 - Trial Setting Held   
**Scheduled For:** 03/28/2012; 10:30 AM ; WENDY LYNN WEXLER HORN; St. Francois  
**Trial Setting Held**  
Cause called, case continued to March 28, 2012 at 10:30 a.m. for trial setting. kb

**Scheduled For:** 12/08/2011; 9:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**11/16/2011**

**Notice of Court Hearing Sent**

**Hearing Scheduled**

**Associated Entries:** 12/08/2011 - Trial Setting Held 

**Scheduled For:** 12/08/2011; 9:30 AM ; WENDY LYNN WEXLER HORN; St. Francois

**Hearing Continued/Rescheduled**

Due to the unavailability of the judge, cause continued to December 8, 2011 at 9:30 a.m. kb

**Hearing Continued From:** 11/23/2011; 10:30 AM Hearing

**11/14/2011**

**Certificate of Service**

Responses to Defendant's Request for Production of Documents was mailed kb

**Filed By:** ROBERT L BRADY

**Certificate of Service**

Certificate of Service of Responses to Defendant's Request for Production of Documents sent November 8, 2011.

**11/08/2011**

**Notice to Take Deposition**

Deposition of John Robinson on November 22, 2011 at 1:30 p.m. Filed by fax kb

**Filed By:** BENJAMIN TODD ARANDA

**10/25/2011**

**Notice of Court Hearing Sent**

**Notice of Entry of Judgment**

**Order**

Defendant's Motion to Compel is called. By consent of the parties, said Motion is granted, giving Plaintiff 14 days to fully respond to the discovery referenced in Defendant's Motion. SO ORDERED /s/ TWI

**Hearing Scheduled**

**Associated Entries:** 11/16/2011 - Hearing Continued/Rescheduled 

**Scheduled For:** 11/23/2011; 10:30 AM ; THOMAS L RAY JR; St. Francois

**Hearing Continued/Rescheduled**

Case continued to November 23, 2011 at 10:30 am in Division III. Notice sent to Attorney Brady and Attorney Aranda, ws

**Hearing Continued From:** 10/25/2011; 1:30 PM Motion Hearing

**10/21/2011**

**Motion Hearing Scheduled**

**Associated Entries:** 10/25/2011 - Hearing Continued/Rescheduled 

**Scheduled For:** 10/25/2011; 1:30 PM ; THOMAS L RAY JR; St. Francois

**10/18/2011**

**Notice**

Motion hearing scheduled for October 25, 2011 at 1:30 p.m. kb

**Filed By:** BENJAMIN TODD ARANDA

**Motion to Compel**

Motion to Compel Answers to Request for Production of Documents, filed by fax. kb

**Filed By:** BENJAMIN TODD ARANDA

**06/16/2011**

**Reply**

Plaintiff's Reply to Defendant Vance Clark's Counter Claim, filed kb

**Filed By:** ROBERT L BRADY

**06/08/2011**

**Certificate of Service**

Plaintiff's Interrogatories and Production of Documents Directed to the Defendant were mailed kb

**Filed By:** BENJAMIN TODD ARANDA

**Certificate of Service**  
Defendant Vance Clark's Request for Production of Documents were mailed kb  
**Filed By: BENJAMIN TODD ARANDA**

**Answer Filed**  
Defendant Vance Clark's Answer to Plaintiff's Petition for Declaratory Judgment kb  
**Filed By: BENJAMIN TODD ARANDA**

**04/11/2011 Order**  
It is hereby ordered that the motion of Defendant Vance R Clark to remand document #8 is granted. It is further oreded that the Clerk of the Court shall remand this action to the Twenty-Fourth Judicial Circuit Court of Mo ( St Francois County ) from which it was removed. /s/CEJ US District Judge

**03/04/2011 Motion for Extension of Time**  
Filed by fax Original filed 3/7/11  
**Filed By: BENJAMIN TODD ARANDA**

**03/02/2011 Notice**  
Notice of Filing Notice of Removal, filed kb  
**Filed By: CHRISTINA MARIE MOORE**

**Notc Change of Address Filed**  
**Filed By: BENJAMIN TODD ARANDA**

**Notice**  
Notice of Removal, filed kb  
**Filed By: CHRISTINA MARIE MOORE**

**03/01/2011 Motion for Extension of Time**  
Filed by fax kb  
**Filed By: BENJAMIN TODD ARANDA**

**02/28/2011 Request Filed**  
Request for Additional Time, filed kb  
**Filed By: BENJAMIN TODD ARANDA**

**02/14/2011 Summons Personally Served**  
Document ID - 10-SMCC-1871; Served To - USDA RURAL DEVELOPMENT a/k/a RURAL HOUSING SERVICE; Server - ; Served Date - 03-FEB-11; Served Time - 12:25:00; Service Type - Special Process Server; Reason Description - Served

**02/10/2011 Entry of Appearance Filed**  
Entry of Appearance and Request for Additional Time, filed kb Filed again on 2/14/10  
**Filed By: BENJAMIN TODD ARANDA**

**01/26/2011 Certificate of Mailing**  
Plaintiff's First Set of Interrogatories and Requests for Production directed to Defendant Vance R Clark were mailed kb  
**Filed By: ROBERT L BRADY**

**01/18/2011 Motion Granted/Sustained**  
Request for Appointment of Special Process Server. So Ordered. /s/TLR  
**Associated Entries: 12/28/2010 - Motion Special Process Server**

**01/04/2011 Order**  
ORDER ASSIGNING JUDGE THOMAS L. RAY /S/KWP

**12/30/2010**      **Summons Issued-Circuit**  
Document ID: 10-SMCC-1871, for USDA RURAL DEVELOPMENT a/k/a RURAL HOUSING SERVICE.  
SUMMONS MAILED TO ATTORNEY'S OFFICE FOR SPECIAL PROCESS SERVER ON 1-18-11. JB

**Summons Issued-Circuit**  
Document ID: 10-SMCC-1870, for CLARK, VANCE R. SUMMONS MAILED TO ATTORNEY'S OFFICE  
FOR SPECIAL PROCESS SERVER ON 1-18-11. JB

**12/28/2010**      **Judge/Clerk - Note**  
A Payment of -\$160.00 was made on receipt 24SF99360.

**Pet Filed in Circuit Ct**  
PETITION FOR DECLARATORY JUDGMENT, filed kb  
    **Filed By: ROBERT L BRADY**

**Motion Special Process Server**  
    **Filed By: ROBERT L BRADY**


**Associated Entries: 01/18/2011 - Motion Granted/Sustained** 

EXHIBIT E

V. Clark

**SETTLEMENT AND RELEASE OF ALL CLAIMS**

It is hereby agreed and stipulated by and between PETITIONER FARM BUREAU TOWN & COUNTRY INSURANCE COMPANY OF MISSOURI, by its attorney, and RESPONDENT UNITED STATES OF AMERICA, by Richard G. Callahan, United States Attorney for the Eastern District of Missouri and Christina Moore, Assistant United States Attorney for said District, as follows:

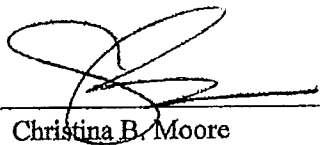
USDA Rural Development a/k/a Rural Housing Service, in consideration of Seventy-Two Thousand Dollars and No Cents (\$72,000.00), paid by or on behalf of Farm Bureau Town & Country Insurance Company of Missouri ("Farm Bureau"), has released, acquitted and discharged, and by these presents does release, acquit and forever discharge Farm Bureau, and any and all other firms, corporations, subsidiaries or companies associated with Farm Bureau, as well as any and all servants, agents, employees, attorneys and/or representatives of Farm Bureau, of and from any and all actions, causes of action, claims, including Farm Bureau's claim number 000000297547, demands and damages, whether or not now known or contemplated, of whatever name or nature, in any manner arisen, arising, or to arise under Farm Bureau's policy number PRO 0319954 as a result of an alleged fire at the property located at 3416 Hilderbrecht Road, Doe Run, Missouri 63637, which allegedly occurred on September 16, 2010, and all claims and causes of action as set forth in the pleadings and file of *Farm Bureau Town & Country Insurance Company of Missouri v. Vance R. Clark and USDA Rural Development a/k/a Rural Housing Service*, Cause No.: 10SF-CC00289, pending in Circuit Court of St. Francois County, State of Missouri.

To secure this Settlement and Release of All Claims, the undersigned hereby declares that he/she is of legal age, that he/she has the authority to enter into this Agreement on behalf of the USDA Rural Development, a/k/a Rural Housing Service and by such party and that no further corporate or other internal approval is necessary, and relies upon his/her own judgment, belief and knowledge as to the nature, extent and duration of the damages and/or losses sustained as a result of the loss, or which may hereafter result from said loss, and that no representations or statements about him/her of the USDA Rural Development a/k/a Rural Housing Service, made by the representatives of any party hereby released, have influenced him/her in executing, or induced him/her to execute, this Settlement and Release of All Claims against Farm Bureau under insurance policy number PRO 0319954, and all claims and causes of action as set forth in the pleadings and file of *Farm Bureau Town & Country Insurance Company of Missouri v. Vance R. Clark and USDA Rural Development a/k/a Rural Housing Service*, Cause No.: 10SF-CC00289, pending in Circuit Court of St. Francois County, State of Missouri.

It is understood, acknowledged and agreed that this Settlement and Release of All Claims shall operate as a complete extinguishment and bar of any and all claims and causes the USDA Rural Development a/k/a Rural Housing Service may have against Farm Bureau under insurance

policy number PRO 0319954 as a result of the aforesaid loss, including, but not limited to, claims and causes of action for insurance coverage, including coverage for loss to personal property, claims for interest, attorney's fees, breach of contract, vexatious delay or refusal to pay penalties, defamation, and any and all other possible legal and/or equitable remedies the USDA Rural Development a/k/a Rural Housing Service has or may have, and that all agreements and understandings of the parties are fully and completely expressed herein.

The undersigned has thoroughly read and understood this Settlement and Release of All Claims and fully agree to its terms.



By: Christina B. Moore  
Assistant United States Attorney  
United States Attorney's Office  
*On behalf of USDA Rural Development, Rural Housing Service*

---

Robert Brady  
Brown & James  
*On behalf of Farm Bureau Town & Country Insurance Company of Missouri*

EXHIBIT F

January 17, 2018

USDA RURAL DEVELOPMENT  
Industrial Complex  
Farmington, Mo. 63640

Re: Property located at 3416 Hildebrecht Road, Doe Run, Mo. 63637

Appropriate USDA Representative:

It has been brought to my attention by Mr. Mark Hedrick, whom holds my power of attorney and is caretaker of the aforementioned property due to my current incarceration, that a Ms. Pam Scott informed him that she is an employee of USDA and in the process of initiating foreclosure on the property located at 3416 Hildebrecht Road, Doe Run, Missouri - after USDA has already accepted and received settlement monies pursuant to its participation in Cause No. 10SF-CC00289 regarding said property and is no longer a defendant due to accepting payment.

Upon being informed of the above actions of Ms. Scott, I contacted Ben Aranda whom is the attorney representing me in Cause No. 10SF-CC00289 on a contingency basis (see attached legal document which contains the necessary facts to the issues herein).

- (1) USDA is aware of the ongoing litigation in Cause No. SF10-CC00289 [see page 5].
- (2) USDA has accepted and received settlement monies from this litigation [see page 6].
- (3) USDA is no longer a party to this litigation - nor holds any further claims to it.
- (4) Vance Clark has not yet received any settlement monies from this litigation.
- (5) Ben Aranda has not yet received any settlement monies from this litigation.

It has been, and currently remains, my belief and understanding that co-defendant USDA and Vance Clark had both agreed that no payment be required or demanded from him until Farm Bureau either paid the insurance claim or judgment was entered in its favor. Judgment has not been entered in Farm Bureau's favor and Vance Clark has not been paid for his claim. Yet USDA completed its litigation by accepting settlement monies and is no longer involved with the litigation concerning any claim being litigated now.



That, in part, is why Mr. Aranda and I have not initiated proceedings against USDA for the monies it accepted from Farm Bureau Town & Country Insurance Company - which monies should have been paid directly to the "insured" by the "insure" in accordance with Missouri Law. If USDA now choses to violate it previous stance by initiating a foreclosure on Mr. Clark's property, LET IT BE KNOWN:

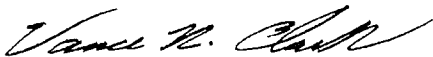
- (1) Vance Clark will vigorously oppose foreclosure.
- (2) Ben Aranda will vigorously pursue collection of all monies accepted and received by USDA as a result of its settlement of Mr. Clark's insurance policy.

Please do not misconstrue what I respectfully seek due to USDA having no further claim or standing under Cause No. 10SF-CC00289:

- (1) Notice that USDA holds no lien to the property at 3416 Hildebrecht Road, Doe Run, Missouri due to its acceptance of settlement monies regarding said property. OR,
- (2) USDA provide documentation of all settlement monies received, as stated herein.
- (3) USDA provide documentation that it will not proceed with foreclosure of the above property until litigation of Cause No. 10SF-CC00289.
- (4) USDA be willing to arbitration of any issues regarding prior and current litigation of Cause No. 10SF-CC00289.

Thank you for your time and attention of this important matter. Please respond in order that Mr. Aranda and I can proceed according.

Sincerely yours,



Vance R. Clark 167236  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Mo. 65101

cc Ben Aranda  
The Aranda Law Firm  
1750 South Brentwood Blvd.  
Suite 295  
St. Louis, Mo. 63144





United States Department of Agriculture

EXHIBIT G

April 5, 2018

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Vance Roy Clark  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City MO 65101

Dear Mr. Clark:

For your information, enclosed is a Notice of Trustee's Sale of property held as security for the United States of America which secures a loan to you. You, or your representative, must be present at the sale if you wish to offer a bid.

This foreclosure sale is scheduled for Monday, April 30, 2018 at 1:00 pm at the St. Francois County Courthouse, Farmington, MO.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Adams".

Handwritten initials, possibly "LGM", in a stylized cursive font.

ANN L. MELL  
Substitute Trustee

Enclosure

RD-MO 1955-2  
(11-16-17)

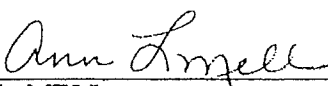
#### NOTICE OF TRUSTEE'S SALE

For default in the payment of debt secured by Deed of Trust executed by Vance Roy Clark, a single person, dated November 5, 2009, recorded in Document No. 2009R-10926, and re-recorded in Document No. 2010R-00327, Office of Recorder of Deeds, St. Francois County, Missouri, at Farmington, the undersigned Substitute Trustee will on Monday, April 30, 2018, between the hours of 10:00 a.m. and 2:00 p.m., approximately 1:00 p.m., at the South door of the St. Francois County Courthouse, Farmington, Missouri, sell at public vendue, subject to any unpaid real property taxes or special assessments, without regard to race, creed, color, sex, age, or national origin, to the highest bidder for 10% non-refundable certified funds with the balance payable in secured funds within 30 days of the date of the sale:

All of that part of the Southeast quarter of the Northwest quarter and that part of the Northeast quarter of the Southwest quarter of Section 16, Township 35 North, Range 5 East, described as follows: Begin at the center of said Section 16, the point of beginning of the tract herein described; thence South 0 degrees 50 minutes West, 438.73 feet on the North-South quarter Section line; thence North 89 degrees 06 minutes West, 318.29 feet; thence North 12 degrees 11 minutes East, 590.44 feet to the Southwest line of a County Road; thence South 39 degrees 18 ½ minutes East, 180.45 feet on the above said Southwest line to the East-West quarter Section line; thence South 87 degrees 26 minutes East 85.85 feet on the East-West quarter Section line to the point of beginning. Containing 3.00 acres, more or less.

Located at: 3416 Hildebrecht Road, Doe Run, MO 63637

to satisfy said debt and costs.

  
ANN L. MELL  
Substitute Trustee  
Phone Number (573) 756-6413, Ext. 4

Next >

## Mo. Const. Art. V, § 14

Current through the November 8, 2016 General Election.

LexisNexis® Missouri Annotated Statutes   Constitution of Missouri Adopted  
1945   Article V. Judicial Department

### § 14. Circuit courts—jurisdiction—sessions.

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(a) The circuit courts shall have original jurisdiction over all cases and matters, civil and criminal. Such courts may issue and determine original remedial writs and shall sit at times and places within the circuit as determined by the circuit court.

(b) Procedures for the adjudication of small claims shall be as provided by law.

### History

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Const. of 1875, Art. VI, § 22.

## **Mo. Sup. Ct. R. 55.11**

Rules current through March 23, 2018.

Missouri Court Rules   SUPREME COURT RULES   RULES OF CIVIL  
PROCEDURE   PART I. RULES GOVERNING CIVIL PROCEDURE IN THE CIRCUIT  
COURTS   RULE 55. PLEADINGS AND MOTIONS

### **55.11. Averments, How Made**

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All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

### **History**

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Adopted Jan. 19, 1973, eff. Sept. 1, 1973.

## **Mo. Sup. Ct. R. 55.07**

Rules current through March 23, 2018.

**Missouri Court Rules**   **SUPREME COURT RULES**   **RULES OF CIVIL**  
**PROCEDURE**   **PART I. RULES GOVERNING CIVIL PROCEDURE IN THE CIRCUIT**  
**COURTS**   **RULE 55. PLEADINGS AND MOTIONS**

### **55.07. Defenses--Form of Denials**

---

If a responding party has knowledge or information sufficient to form a belief as to the truth of an averment, the party shall admit or deny the specific averment. If the responding party is without knowledge or information sufficient to form a belief as to the truth of a specific averment, the party shall so state, and this has the effect of a denial. Denials shall fairly meet the substance of the averments denied. When a party intends in good faith to deny only a part or a qualification of an averment, the party shall specify so much of it as is true and shall deny only the remainder. A party shall respond to all specific averments as provided in this Rule 55.07 and shall not generally deny all the specific averments.

### **History**

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Adopted Jan. 19, 1973, eff. Sept. 1, 1973. Amended June 1, 1993, eff. Jan. 1, 1994.

## **Mo. Sup. Ct. R. 55.08**

Rules current through March 23, 2018.

Missouri Court Rules   SUPREME COURT RULES   RULES OF CIVIL  
PROCEDURE   PART I. RULES GOVERNING CIVIL PROCEDURE IN THE CIRCUIT  
COURTS   RULE 55. PLEADINGS AND MOTIONS

### **55.08. Affirmative Defenses**

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In pleading to a preceding pleading, a party shall set forth all applicable affirmative defenses and avoidances, including but not limited to accord and satisfaction, arbitration and award, assumption of risk, contributory negligence, comparative fault, state of the art as provided by statute, seller in the stream of commerce as provided by statute, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, truth in defamation, waiver, and any other matter constituting an avoidance or affirmative defense. A pleading that sets forth an affirmative defense or avoidance shall contain a short and plain statement of the facts showing that the pleader is entitled to the defense or avoidance. When a party has mistakenly designated a defense as a counterclaim or a counterclaim as a defense, the court may treat the pleadings as if there had been a proper designation.

### **History**

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Adopted Jan. 19, 1973, eff. Sept. 1, 1973. Amended June 1, 1993, eff. Jan. 1, 1994.

§ 526.030 R.S.Mo.

Page 1 of 1

EXHIBIT L

## **§ 526.030 R.S.Mo.**

Current through all legislation approved as of March 1, 2018.

LexisNexis® Missouri Annotated Statutes   Title 36. Statutory Actions and Torts  
(Chs. 521-538)   Chapter 526. Injunctions

### **§ 526.030. Remedy by injunction to exist, in what cases—prohibition**

---

The remedy by writ of injunction or prohibition shall exist in all cases where a cloud would be put on the title of real estate being sold under an execution against a person, partnership or corporation having no interest in such real estate subject to execution at the time of sale, or an irreparable injury to real or personal property is threatened, and to prevent the doing of any legal wrong whatever, whenever in the opinion of the court an adequate remedy cannot be afforded by an action for damages.

### **History**

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RSMo 1939 § 1683.

41

## **§ 527.010 R.S.Mo.**

Current through all legislation approved as of March 1, 2018.

**LexisNexis® Missouri Annotated Statutes Title 36. Statutory Actions and Torts**  
**(Chs. 521-538) Chapter 527. Declaratory Judgments; Actions Involving Land**  
**Titles; Lis Pendens; Change of Name**

### **§ 527.010. Scope**

---

The circuit courts of this state, within their respective jurisdictions shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree.

### **History**

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RSMo 1939 § 1126; A.L. 1978 H.B. 1634.



## § 527.020 R.S.Mo.

Current through all legislation approved as of March 1, 2018.

LexisNexis® Missouri Annotated Statutes Title 36. Statutory Actions and Torts  
(Chs. 521-538) Chapter 527. Declaratory Judgments; Actions Involving Land  
Titles; Lis Pendens; Change of Name

### § 527.020. Power to construe

---

Any person interested under a deed, will, written contract or other writings constituting a contract, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise and obtain a declaration of rights, status or other legal relations thereunder.

### History

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RSMo 1939 § 1127.

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY  
STATE OF MISSOURI

VANCE CLARK,

Plaintiff,

v.

UNITED STATES OF AMERICA  
RURAL HOUSING SERVICE  
a/k/a USDA,

Defendant.

CAUSE NO. 18SF-CC00042

**FILED**

APR 18 2018

VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO

MOTION FOR PARTIAL SUMMARY JUDGMENT

COMES NOW Plaintiff, Vance Clark, pro se, pursuant to the Missouri Rules of Civil Procedure and for his Motion for Partial Summary Judgment, states as follows:

1. Plaintiff has filed claims of comparative fault, breach of good faith agreement, acts of bad faith, fraud by deceit, malicious denial of contractual rights, unfair dealing, omitting statutory duties, waiver, estoppel and denial of an insurable interest. See Exhibit B & C, pg 4-16.
2. Defendant USDA accepted service of Plaintiff's petition, request for admissions, motion for production of documents and interrogatories, on March 26, 2018 when service of summons was signed by one of USDA's employees - Ann Mell. See Exhibit A, pg 3.
3. Plaintiff was thereafter, on April 10, 2018, served by certified mail - return receipt requested, Notice of Trustee's Sale. See Exhibit G, pg 35-36.
4. Plaintiff maintains, as more fully described in his Memorandum of Law, that Defendant's own previous acts, directly related to Plaintiff's real property, resulted in waiver and should be estopped before this sale can occur.

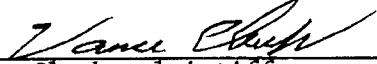
5. Plaintiff is merely seeking this Court's ruling that Defendant USDA Rural Development had foregone any and all interest in Plaintiff Vance Clark's real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, on February 21, 2014, as mortgagee, lienholder, loss payee, or a individual, upon accepting \$72,000.00 while being co-defendant of Vance Clark in Cause No. 10SF-CC00289 and as set out in his Petition's claims, Statement of Uncontroverted Facts, and in his Memorandum of Law. Plaintiff is not seeking summary judgment as to elements of damages at this time.

6. Plaintiff believes that based upon the undisputed, material facts, Defendant USDA has waived any and all right to offer his real property up for sale and should be estopped from the scheduled Trustee's Sale scheduled for April 30, 2018, and therefore Plaintiff is entitled to Partial Summary Judgment as a matter of law.

7. Plaintiff incorporates his Statement of Uncontroverted Facts and Memorandum of Law by reference as if fully stated herein.

WHEREFORE, Plaintiff requests that this Court grant his Motion for Partial Summary Judgment, order that Defendant USDA had forgone any and all interest in the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, and order that the foreclosure/Trustee Sale scheduled for April 30, 2018, be estopped, and any other relief that this Court deems just and proper in these circumstances.

Respectfully submitted,

  
\_\_\_\_\_  
Vance Clark, plaintiff, pro se  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Missouri 65101

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY  
STATE OF MISSOURI

VANCE CLARK,

Plaintiff,

v.

UNITED STATES OF AMERICA  
RURAL HOUSING SERVICE  
a/k/a USDA,

Defendant.

CAUSE NO. 18SF-CC00042

**FILED**

APR 18 2018

VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF HIS  
MOTION FOR PARTIAL SUMMARY JUDGMENT AND HIS  
PETITION FOR PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF

COMES NOW Plaintiff, Vance Clark, pro se, and for his Memorandum of Law in support of his Motion For Partial Summary Judgment and his Petition for Preliminary and Permanent Injunctive Relief, states as follows:

I. Plaintiff is entitled to Summary Judgment and Preliminary and Permanent Injunctive Relief as a Matter of Law because Defendant's action of Notice of Trustee's Sale, in response to Plaintiff's Petition for Declaratory Judgment, are not answers this Court should be expected to rely on, as a matter of law, in order for Plaintiff to receive his constitutionally guaranteed right to a fair trial.

A. Summary Judgment Standard

Summary judgment is proper only when there is no issue of material fact and the movant is entitled to judgment as a matter of law. Missouri Supreme Court Rule 74.04(c)(6). A genuine issue exists if the record shows two plausible, but contradictory, accounts of the essential facts and the genuine issue is real, not merely argumentative, imaginary, or frivolous. Daugherty v. City of Maryland Heights, 231 S.W.3d 814, 818 (Mo. banc 2007).

Shortly after the adoption of the 1849 Code, the Supreme Court held that "loose as the present system of pleading under the practice act is, still the parties must state the facts constituting the cause of action and the defence." Sybert v. Jones, 19 Mo. 86, 88 (1853). Similarly, the Court noted, in Northrup v. Mississippi Valley Ins. Co., 47 Mo. 435, 443 (1871), that the Civil Code requires a defendant to set forth his answer "a statement of any new matter constituting a defense or counterclaim, in ordinary and concise language, without repetition." The Court went on, to explain:

Where new matter is relied upon in defense or in evidence, it must be set out in the answer.... Under the old system, by pleading the general issue everything was open to proof which went to show a valid defense. But the practice act, which has substituted for the general issue an answer, and requires a statement of any new matter constituting a defense... has worked a complete and total change in the principles of pleading. If he intends to rely on a new matter which goes to defeat or avoid the plaintiff's action, he must set forth in clear and precise terms each substantial fact intended to be so relied on.

Id. at 443-444. [Emphasis added].

This principle, though seldom sought, is still applicable today. Rule 55.07 requires that "[a] party shall state in short and plain terms his defense to each claim." Rule 55.08 requires that "a party shall set forth affirmatively... matters constituting an avoidance or affirmative defense." Finally, Rule 55.11 requires that "all averments of claim or defense... shall be limited as far as practicable to statement of a single set of circumstances." In the context of pleadings, "aver" means "to allege or assert positively." *Black's Law Dictionary* 136 (6th ed. 1990). Thus, the rules contemplate that the factual basis for defenses be set out in the same manner as is required for pleading of claims.

Here, based on the brief history of this case, there is no excuse as to Defendant USDA Rural Development attempting to avoid the Plaintiff's action by moving to sell his property after receiving service of summons and a copy of said petition for declaratory judgment. Substitute Trustee Ann L. Mell is the employee of Defendant whom accepted service on March 26, 2018, - and is the same USDA Substitute Trustee who thereafter, on April 6, 2018, initiated the "Trustee's Sale" scheduled for April 30, 2018.

In light of all of the above, and the fact that no payment was ever asked or demanded by USDA, this is clearly an "act of bad faith" intended to cause Plaintiff Vance Clark to never receive his constitutional right to a fair trial on the merits of his claims pertaining to the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, in the County of St. Francois. No where in any Missouri case law does it require this Court to find "bad faith" before entering judgment under the circumstances of this case. For it is so obvious and apparent Defendant is attempting to circumvent the Missouri Revised Statutes, Missouri Supreme Court Rules, and this Court's authority pursuant to Vance Clark filing his petition with this Court on March 1, 2018, that summary judgment, in part, of this issue is a matter of law.

Section 527.020 RSMo provides this Court with jurisdiction and power to construe a declaration of rights as to Plaintiff's ownership of the property pursuant to his claims presented in his petition for declaratory judgment. Defendant has not filed a response refuting his claim of sole ownership of the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, but has instead served him Notice of Trustee's Sale which he received on April 10, 2018. No other Notice - No demand for payment - No response to his letter of January 17, 2018, addressing this issue. Plaintiff is entitled to have this Court issue a preliminary and permanent injunction as a matter of law.

### B. Denial of an Insurable Interest

In general, a person has an insurable interest in the subject matter insured where he has such a relation or concern in such subject matter that he will derive pecuniary benefit or advantage from its preservation, or will suffer pecuniary loss or damage from its destruction, termination, or injury by happening of the event insured against. Dimmitt v. Progressive Cas. Ins. Co., 92 S.W.3d 789 (2003 Mo. LEXIS 3). Plaintiff Vance Clark maintains an insurable interest in both causes 10SF-CC00289 and 18SF-CC00042. Defendant USDA Rural Development holds no insurable interest under policy of insurance PRO 0319954 or claim number 000000297547 in either cause 10SF-CC00289 or 18SF-CC00042 due to it agreeing and stipulating to a Release of All Claims of it interest in said policy and said claim upon accepting \$72,000.00 from that policy's claim.

"An insurable interest may be 'entirely disconnected from any title, lien, or possession,' and may derive solely 'from possession, enjoyment, or profits of the property,' as well as 'other certian benefits growing out of or dependent upon it.'" Dimmitt, 92 S.W.3d at 792. When Vance Clark purchased the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, in 2009, there was no way he could foresee the fire that would consume his Home and personal belongings in 2010. Purchasing, possessing and enjoying the benefit of being a Homeowner on said real property brought enjoyment, peace of mind, stability and soundness of ownership. Rebuilding that Dwelling with the proceeds from Coverage A (\$136,464.00) of the insurance policy he purchased would reinstate his status of being a Homeowner, provide pecuniary benefit, and bring back the peace of mind, joy, and stability he lost by the happening of the events that have led to cause numbers 10SF-CC00289 and 18SF-CC-00042. Defendant USDA is attempting to deprive Petitioner of his insurable interest by initiating the Trustee's Sale to circumvent his constitutional right to a fair trial.

### C. Wrongful Foreclosure Due to Waiver

In this case, Defendant USDA Rural Development made no demand for payment. Furthermore, USDA Rural Development waived any and all interests to the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, when it agreed and stipulated to forego any and all interests in said real property in order to collect payment of \$72,000.00 for said real property. Review of case law from the Eastern District requires only that a plaintiff sufficiently allege the foreclosure sales were void or voidable. See Berringer, 16 F.Supp. 3d at 1050. The "Trustee's Sale" is [a]voidable by this Court issuing preliminary and permanent injunctive relief.


Plaintiff, through his January 17, 2018, correspondence to Defendant USDA, and Mark Hedrick, through his offer to make payment(s) to USDA employee Pam Scott, prior to the filing of Plaintiff's Petition and subsequent filings hereto, have made good faith efforts to avoid foreclosure. Defendant USDA has therefore, by its own actions, waived its right to foreclose on the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637. See Lockett v. Wells Fargo Bank, NA, No. 4:14-CV-93 ALW, 2014 U.S. Dist. LEXIS 153714, 2014 WL 5489300 at \*5 (E.D. Mo. Oct. 30, 2014) (finding plaintiffs sufficiently alleged a claim for wrongful foreclosure where, based on a letter from the bank, average consumers could have believed that they did not need to make loan payments while repairing their home). [Emphasis added].

Through Settlement and Release of All Claims in Cause No. 10SF-CC00289, and its attempt to circumvent this Court's jurisdiction by initiating the sale of Plaintiff's real property without addressing his claims, Defendant USDA Rural Development has committed wrongful foreclosure through waiver of any and all rights to said property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637.



Finally, Defendant USDA Rural Development has waived any argument as to all claims presented in Plaintiff Vance Clark's Petition for Declaratory Judgment by not pleading any affirmative defenses. Serving Plaintiff its Notice of Trustee's Sale, by certified mail/return receipt, must be viewed in light of Defendant's posture upon being made aware of the claims therein. The response, though not proper nor complying with Supreme Court Rules 55.07, 55.08 & 55.11, is clearly a response to said petition. This is made evident by the fact that Plaintiff is forced to file his Memorandum of Law in support of his Motion for Partial Summary Judgment and his Petition for Preliminary and Permanent Injunctive Relief. As this Court is aware, the purpose in requiring the pleading of an affirmative defense is to give the plaintiff notice of the defense so that the plaintiff can adequately prepare for that issue at trial. Roth v. Roth, 176 S.W.3d 735, 738 (Mo. App. E.D. 2005). [Emphasis added].

Dated: April 14, 2018

  
\_\_\_\_\_  
Vance Clark 167236, plaintiff  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Missouri 65101

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY  
STATE OF MISSOURI

VANCE CLARK,

Plaintiff,

v.

UNITED STATES OF AMERICA  
RURAL HOUSING SERVICE  
a/k/a USDA,

Defendant.

CAUSE NO. 18SF-GC00042

**FILED**

APR 18 2018


VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO

PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM

COMES NOW Plaintiff, Vance Clark, pro se, applicant herein and informs this Court that he is the Movant in his Petition for Preliminary and Permanent Injunctive Relief and has submitted a Motion of Emergency Hearing due to the scheduled "Trustee's Sale" of his real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637. Plaintiff/Movant is confined at the Jefferson City Correctional Center, 8200 No More Victims, Jefferson City, Missouri 65101. The applicant has no way of appearing on this motion except by this Court issuing a writ of habeas corpus testificandum for his production on date certian, as soon as practicable and before April 30, 2018, the scheduled date for the sale of the real property aforementioned.

WHEREFORE, Plaintiff/Movant/Applicant, Vance Clark #167236, prays that the petition for writ of habeas corpus ad testificandum issue for date certain and for as long as is needed in this case, for said hearing.

Respectfully submitted,

  
Vance Clark

I, Vance Clark, after first being duly sworn, depose and swear that he has read the above and the statements are true and correct according to his best information and knowledge and belief.

  
Vance Clark, affiant

NOTICE OF ENTRY  
(SUPREME COURT RULE 74.03)

In The 24th Judicial Circuit Court, St. Francois County, Missouri  
1 N WASHINGTON, FARMINGTON, MISSOURI 63640

VANCE R CLARK V USDA RURAL DEVELOPMENT a/k/a RURAL

CASE NO : 18SF-CC00042

To: File

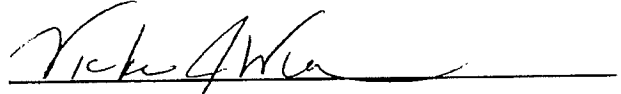
YOU ARE HEREBY NOTIFIED that the court duly entered the following:

<u>Filing Date</u>	<u>Description</u>
18-Apr-2018	Certificate of Service Motion For Emergency hearing, Petition for Writ of Habeas Corpus Ad Testificandum, Plaintiff's Statement of Uncontroverted Facts, Plaintiff's memorandum of Law, Petition for Preliminary and Permanent Injunctive Relief, Motion for Partial Summary judgment, and Petitioner's Exhibits A-N Filed By: VANCE R CLARK  Motion Filed Filed By: VANCE R CLARK  Filing: Filed By: VANCE R CLARK  Petition: Filed By: VANCE R CLARK
19-Apr-2018	Motion for Habeas Corpus-TES Filed By: VANCE R CLARK  Memorandum Filed Filed By: VANCE R CLARK  Motion for Summary Judgment  Exhibit Filed Exhibits A-N Filed By: VANCE R CLARK
20-Apr-2018	Order  Hearing Scheduled Scheduled For: 25-Apr-2018 10:30 AM; SHAWN RAGAN MCCARVER; Division 4 Courtroom; St. Francois Event Location: 1 N Washington, Farmington, Mo  Writ Ordered  Writ of Attachment Order Document ID: 18-WRIT-189, for CLARK, VANCE R.

Notice Of Entry  
Page : 2

VANCE R CLARK V USDA RURAL DEVELOPMENT a/k/a RURAL

CASE NO : 18SF-CC00042

A handwritten signature in black ink, appearing to read "Vicki A. White", is written over a horizontal line.

Clerk of Court

CC: File  
USDA RURAL DEVELOPMENT a/k/a RURAL HOUSING SERVICE  
VANCE R CLARK

ECC:

Date Printed : 20-Apr-2018

STATE OF MISSOURI       )  
                                      )  
COUNTY OF ST. FRANCOIS)

SS

RETURN OF SERVICE

The undersigned hereby certifies that the attached Notice, together with its attachments and exhibits, and this Order, returnable in Division 4 of the Circuit Court of St. Francois County, Missouri, were served by delivering a copy thereof to

\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_ at \_\_\_\_\_ am/pm.

\_\_\_\_\_  
Sheriff of \_\_\_\_\_ County

By: \_\_\_\_\_  
Deputy Sheriff

Service Fee:\$ \_\_\_\_\_

Mileage Fee:\$ \_\_\_\_\_

Total Due:\$ \_\_\_\_\_

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY, MISSOURI

VANCE R. CLARK,  
Plaintiff,

v.

NO. 18SF-CC00042

UNITED STATES OF AMERICA  
RURAL HOUSING SERVICE a/k/a  
USDA,  
Defendant.

FILED  
April 20, 2018  
VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO

**EMERGENCY  
SCHEDULING ORDER AND NOTICE OF HEARING**

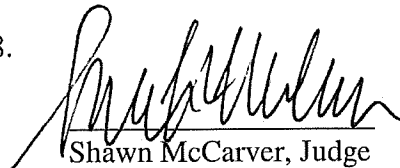
**(For immediate personal service on Defendant  
at Defendant's address of record due to lack of entry of counsel for Defendant)**



Plaintiff has filed an action for declaratory relief. Certain real estate that is the subject of Plaintiff's claim herein is also the subject of Case No. 10SF-CC00289, which is alleged to involve the subject real estate, and a loss incurred thereon, including a claim related to insurance proceeds for the loss. The current cause of action alleges that certain actions by Defendant herein, including, but not limited to, the scheduling of a foreclosure on the subject real estate for April 30, 2018, will immediately and irreparably harm Plaintiff by causing loss and damage, and that Plaintiff is without any other legal remedy apart from injunctive relief to protect Plaintiff's interest in said real estate. Plaintiff is incarcerated. Plaintiff has requested a preliminary and permanent injunction, and pleadings are verified by affidavit. Plaintiff has not requested a TRO without notice, but Plaintiff has requested an emergency hearing on his application.

IT IS HEREBY ORDERED that, and Defendant shall take notice that:

1. Plaintiff's Application for Preliminary Injunction is set for hearing at 10:30 AM on April 25, 2018.
2. Due to the emergency nature of this matter, and the fact that Defendant is alleged to have scheduled a foreclosure hearing on April 30, 2018, and due to the Court's calendar, the Court hereby shortens any applicable notice times on its own motion.
3. The Clerk shall immediately issue a Writ of Habeas Corpus Ad Testificandum and thereby cause Defendant to be transported for said hearing from the Department of Corrections to the Division 4 Courtroom at the Courthouse at 1 N. Washington St., Farmington, Missouri 63640.
4. Defendant is notified that injunctive relief may be issued against Defendant after said hearing based upon either the evidence or the pleadings, or both.
5. The Clerk is directed to immediately issue its notices as directed herein, and to have same served upon Defendant by the Sheriff or his deputy (including any deputy serving as a bailiff) forthwith.

IT IS SO ORDERED on April 20, 2018.

  
Shawn McCarver, Judge

STATE OF MISSOURI COUNTY OF ST. FRANCOIS	) )
I, VICKI J. WEIBLE, Clerk of the Circuit Court, in and for said County, hereby certify the above and foregoing to be a true copy of the proceedings of our said Circuit Court on the day and year above written as the same appears of record in my office.	
IN TESTIMONY WHEREOF, I have hereunto set my Hand and affixed the seal of said Court in my office in Farmington, Missouri, on Monday, April 23, 2018.	
COUNTY SEAL OF 	VICKI J. WEIBLE, CIRCUIT CLERK By:  Vicki J. Weible



## IN THE 24TH JUDICIAL CIRCUIT, ST. FRANCOIS COUNTY, MISSOURI

Judge or Division: SHAWN RAGAN MCCARVER	Case Number: 18SF-CC00042	<div style="border: 1px solid black; padding: 5px; text-align: center;">             FILED              April 20, 2018              VICKI J. WEIBLE, CIRCUIT CLERK              ST. FRANCOIS COUNTY, MO           </div>
State of Missouri: VANCE R. CLARK	Conference Name:	
Defendant: USDA RURAL DEVELOPMENT a/k/a RURAL HOUSING SERVICE	Conference Pin Number:	
DOC No.: 167236	Court Contact Name:	(Date File Stamp)
DOB:	Court Contact Telephone:	
SSN:	Bridge IP Address:	

## Writ of Habeas Corpus Ad Testificandum

Jefferson City Correctional Center

The State of Missouri to the Warden of: \_\_\_\_\_  
 (DOC Facility)

You are commanded to produce the body of VANCE R. CLARK, (Plaintiff) detained under your custody and deliver the said defendant in order that he may be brought before the Honorable Shawn Ragan Mccarver, Judge of the Circuit Court of St. Francois County, Missouri, on 25-APR-2018 at 10:30 AM for the purpose of Hearing in the above named case and at such other times as the court may require in other matters in this case.

So Ordered:

4-20-18

Date

Judge

I certify that the above is a true copy of the original Writ of Habeas Corpus Ad Testificandum of the court in the above cause, as it appears on record in my office.

(Seal of Court)

4/20/2018

Issued on

Date

Clerk

STATE OF MISSOURI }  
 COUNTY OF ST. FRANCOIS }

I, VICKI J. WEIBLE, Clerk of the Circuit Court, in and for said County, hereby certify the above and foregoing to Be a true copy of the proceedings of our said Circuit Court On the day and year above written as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have herunto set my Hand and affixed the seal of said Court in my office in Farmington, Missouri, on Monday, April 23, 2018.

COURT SEAL OF VICKI J. WEIBLE, CIRCUIT CLERK



By:   
 Deputy Clerk

ST. FRANCOIS COUNTY

IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY, MISSOURI

VANCE R. CLARK,  
Plaintiff,

FILED  
4/20/2018  
VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO

v.

NO. 18SF-CC00042

UNITED STATES OF AMERICA  
RURAL HOUSING SERVICE a/k/a  
USDA,  
Defendant.

**EMERGENCY  
SCHEDULING ORDER AND NOTICE OF HEARING**

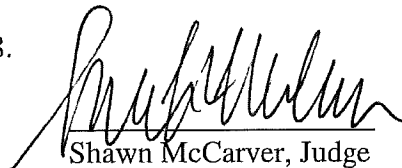
**(For immediate personal service on Defendant  
at Defendant's address of record due to lack of entry of counsel for Defendant)**

Plaintiff has filed an action for declaratory relief. Certain real estate that is the subject of Plaintiff's claim herein is also the subject of Case No. 10SF-CC00289, which is alleged to involve the subject real estate, and a loss incurred thereon, including a claim related to insurance proceeds for the loss. The current cause of action alleges that certain actions by Defendant herein, including, but not limited to, the scheduling of a foreclosure on the subject real estate for April 30, 2018, will immediately and irreparably harm Plaintiff by causing loss and damage, and that Plaintiff is without any other legal remedy apart from injunctive relief to protect Plaintiff's interest in said real estate. Plaintiff is incarcerated. Plaintiff has requested a preliminary and permanent injunction, and pleadings are verified by affidavit. Plaintiff has not requested a TRO without notice, but Plaintiff has requested an emergency hearing on his application.

IT IS HEREBY ORDERED that, and Defendant shall take notice that:

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4. Defendant is notified that injunctive relief may be issued against Defendant after said hearing based upon either the evidence or the pleadings, or both.
5. The Clerk is directed to immediately issue its notices as directed herein, and to have same served upon Defendant by the Sheriff or his deputy (including any deputy serving as a bailiff) forthwith.

IT IS SO ORDERED on April 20, 2018.

  
Shawn McCarver, Judge



IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY  
STATE OF MISSOURI  
AT CITY OF FARMINGTON

VANCE CLARK,

Plaintiff,

v.

UNITED STATES OF AMERICA  
RURAL HOUSING DEVELOPMENT  
a/k/a USDA,

Defendant.

CAUSE NO. 18SF-CC00042

PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiff Vance Clark, moves, pro se, pursuant to Missouri Supreme Court Rule 92.02(a), that the Court grant forthwith, a temporary restraining order restraining and enjoining Defendant USDA Rural Development, and Defendant's agents and employees, from the scheduled foreclosure/trustees sale of Plaintiff's real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, pending further Order from this Court, and pending a hearing and disposition on Plaintiff's motion for preliminary and permanent injunction filed in this declaratory judgment action. In support of this motion, Plaintiff states:

1. Attorney Benjamin Todd Aranda, of the Aranda Law Firm located at 1750 South Brentwood Blvd., Suite 295, St. Louis, Missouri 63144, represents Vance Clark in the ongoing litigation of Cause No. 10SF-CC00289. Attorney Benjamin Aranda does not represent [Plaintiff] Vance Clark in Cause No. 18SF-CC00042.
2. Defendant USDA Rural Development, being fully aware of the ongoing litigation in Cause No. 10SF-CC00289, served Attorney Benjamin Todd Aranda by Certified Mail /Return Receipt Requested a NOTICE OF TRUSTEE'S SALE, knowing Vance Clark holds interest in the real property located at 3416 Hildebrecht Road, Doe Run, Missouri 63637, in both causes 10SF-CC00289 and 18SF-CC00042.

**FILED**

APR 23 2018

VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY MO

3. Plaintiff has filed with this Court, and served on the Defendant, EXHIBITS A-N in Cause No. 18SF-CC00042, and now moves to submit a copy of the NOTICE OF TRUSTEE'S SALE that was drafted by Defendant USDA Rural Development employee Stephanie Adams, on April 5, 2018, for Substitute Trustee Ann L. Mell, sent to Attorney Benjamin Todd Aranda, as Plaintiff's "Exhibit O".

4. Plaintiff respectfully requests this Court accept Plaintiff's Exhibit O and allow it into evidence for this request for temporary restraining order.

4. Plaintiff incorporates his previously filed Statement of Uncontrovert Facts, Memorandum of Law, Petition for Preliminary and Permanent Injunctive Relief, and the Affidavit submitted to this Court of Mark Hedrick (also served on Defendant) by reference as if fully stated herein. These verified legal filings recite specific facts that demonstrate that immediate and irreparable injury, loss, or damage will result in the absence of the Court granting a temporary restraining order. See also, Exhibit O filed herewith. Rule 90.02(c)(3).

5. This case involves issues of ownership of real property and an insurable interest thereof which for Plaintiff Vance Clark, and for other people in the State of Missouri similarly situated, determination of these important legal questions will effect the efficacy, legitimacy, and meaningfulness of judicial review in our State.

6. Plaintiff incorporates his sworn Affidavit and Verification that on the 16th day of April, 2018, that the facts set out in the foregoing Motion are true and accurate, said affidavit notarized by Notary Public Elizabeth Thornton whose commission expires November 13, 2021, Maries County Commission #17014373.

DATED: April 17, 2018

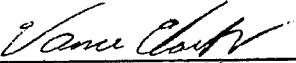
Vance Clark 167236  
Jefferson City Correctional Center  
8200 No More Victims H.U. 2-C-101  
Jefferson City, Missouri 65101

Respectfully submitted,

  
Vance Clark, plaintiff, movant, affiant

Certificate of Service

I, Vance Clark, hereby certify that a true and correct copy of the foregoing Motion for Temporary Restraining Order was mailed by US Mail, postage prepaid, to USDA Rural Development, 812 Progress Drive, Farmington, Missouri 63640, on this 18th day of April, 2018.

  
\_\_\_\_\_  
Vance Clark, plaintiff, pro se



United States Department of Agriculture

EXHIBIT O

April 5, 2018

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Benjamin Todd Aranda, Attorney  
1750 S Brentwood Blvd, Suite 295  
St Louis MO 63144

Dear Mr. Aranda:

For your information, enclosed is a Notice of Trustee's Sale of property held as security for the United States of America which secures a loan to Vance Roy Clark. You, or your representative, must be present at the sale if you wish to offer a bid.

This foreclosure sale is scheduled for Monday, April 30, 2018 at 1:00 pm at the St. Francois County Courthouse, Farmington, MO.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Adams".

Handwritten initials, possibly "JL", in cursive script.

ANN L. MELL  
Substitute Trustee

Enclosure

RD-MO 1955-2  
(11-16-17)

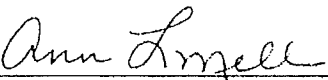
### NOTICE OF TRUSTEE'S SALE

For default in the payment of debt secured by Deed of Trust executed by Vance Roy Clark, a single person, dated November 5, 2009, recorded in Document No. 2009R-10926, and re-recorded in Document No. 2010R-00327, Office of Recorder of Deeds, St. Francois County, Missouri, at Farmington, the undersigned Substitute Trustee will on Monday, April 30, 2018, between the hours of 10:00 a.m. and 2:00 p.m., approximately 1:00 p.m., at the South door of the St. Francois County Courthouse, Farmington, Missouri, sell at public vendue, subject to any unpaid real property taxes or special assessments, without regard to race, creed, color, sex, age, or national origin, to the highest bidder for 10% non-refundable certified funds with the balance payable in secured funds within 30 days of the date of the sale:

All of that part of the Southeast quarter of the Northwest quarter and that part of the Northeast quarter of the Southwest quarter of Section 16, Township 35 North, Range 5 East, described as follows: Begin at the center of said Section 16, the point of beginning of the tract herein described; thence South 0 degrees 50 minutes West, 438.73 feet on the North-South quarter Section line; thence North 89 degrees 06 minutes West, 318.29 feet; thence North 12 degrees 11 minutes East, 590.44 feet to the Southwest line of a County Road; thence South 39 degrees 18 ½ minutes East, 180.45 feet on the above said Southwest line to the East-West quarter Section line; thence South 87 degrees 26 minutes East 85.85 feet on the East-West quarter Section line to the point of beginning. Containing 3.00 acres, more or less.

Located at: 3416 Hildebrecht Road, Doe Run, MO 63637

to satisfy said debt and costs.

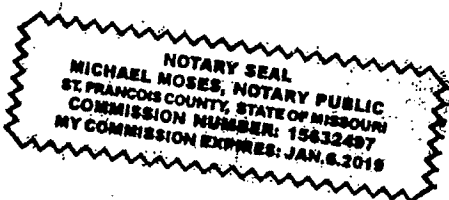
  
ANN L. MELL  
Substitute Trustee  
Phone Number (573) 756-6413, Ext. 4

I Mark Hedrick reside at 3416 Hilderbrecht Rd Doe Run, Mo 63637 herby give this statement in support of case number 18SF-CC0042.

My name is Mark Hedrick I am Vance R Clark power of attorney and caretaker of the property at 3416 Hilderbrecht Rd Doe Run, Mo 63637. I live in a mobile home on this property with an elderly couple Harry and Betty Sigg. In Late January Pam Scott and one other unknown representative of USDA rural development came to the mobile home and questioned Betty and Jessica Sigg Granddaughter about who all lived here and made them feel very uncomfortable in their questioning. They stated they were going to foreclose on this property. Jessica then called me by phone and Put Pam Scott on the phone and I told her I was on my way and I was the power of attorney for Vance R Clark. When I arrived at the property they were leaving the driveway I stopped them and they spoke to me and I showed them a copy of the power of attorney and I explained to Pam Scott that it was my understanding that the USDA received a settlement from Farm Bureau Insurance in the pending lawsuit 10SF-CC00289 and that they agreed to stand down until litigation in this lawsuit was ruled on. Pam Scott told me she didn't need a copy of the power of attorney but if needed she could verify she seen it. I heard know more from this agency until February 14, 2018 Pam Scott by phone contacted me and stated she and USDA had spoken to their attorneys and they were moving forward with the foreclosure on this property. She stated she would keep me in the loop on when the foreclosure will be. She stated we were last on their list so it would be a while. The call ended. I called right back and asked her couldn't the money from the settlement they received go towards the payments on the property. She stated that they applied that towards the interest on the loan. I then asked her if there was anyway to resume payment because I've put over \$50,000 dollars into the property with the mobile home, decks, fence, and remodeling of the shed on the property. She stated No but she would let me know the date of foreclosure and that the property would be auctioned off and I could maybe purchase it at the auction. She said with USDA fees and the property I could maybe purchase it for around \$5,000 then on or around April 10, 2018 I received a letter of the date the property was going to be auctioned off.

Sincerely, Mark Hedrick

*Mark Hedrick*



State of Missouri  
County of St Francois

Subscribed and sworn to (or affirmed) before me on this  
16<sup>th</sup> day of April 2018  
by Mark Hedrick  
proved to me on the basis of satisfactory evidence to be  
the person(s) who appeared before me.

Signature

*[Signature]*

**FILED**

APR 23 2018

VICKI J. WEIBLE, CIRCUIT CLERK  
ST. FRANCOIS COUNTY, MO

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

VANCE CLAK,

**Plaintiff,**

**VS.**

**UNITED STATES OF AMERICA, on behalf of  
the UNITED STATES DEPARTMENT OF  
AGRICULTURE**

**Defendant.**

Case No.

**NOTICE TO PLAINTIFF OF REMOVAL**

COMES NOW Defendant the United States of America, on behalf of the United States Department of Agriculture, Rural Housing Service (hereinafter, the “USDA”), by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Joshua M. Jones, Assistant United States Attorney for said District, and hereby gives notice to the Plaintiff that this cause of action has been removed to the United States District Court, Eastern District of Missouri, Eastern Division, pursuant to 28 U.S.C. §§ 1446(a) & 1442(a)(1).

This Notice is being sent via certified mail, to the following:

Vance Clark 167236  
Jefferson City Correctional Center, HU2-C-101  
8200 No More Victims Road  
Jefferson City, MO 65101